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Parliamentary History.

VOL. IX.

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COBBETT'S

Parliamentary History

OF

ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,

TO

THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED, "COBBETT'S PARLIAMENTARY DEBATES."

VOL. IX.

A. D. 1733—1737.

LONDON:

PRINTED BY T. C. HANSARD, PETERBOROUGH-COURT, FLEET-STREET:

FOR LONGMAN, HURST, REES, ORME, & BROWNE; J. RICHARDSON; BLACK, PARRY, & KINGSBURY; J. BUDD; J. RIDGWAY; J. BOOKER; J. RODWELL; CRADOCK & JOY; E. JEFFERY; J. BOOTH; AND T. C. HANSARD.

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COBBETT'S

Parliamentary History.

GEORGE THE SECOND.

A. D. 1733.

THE EXCISE BILL BROUGHT IN.] April 4, 1733. The Excise Bill was brought in, and read a first time; after which, sir Robert Walpole, by his Majesty's command, acquainted the House, That his Majesty consented to their making such alterations as they should think fit for the public service, in relation to the subsidy on Tobacco then payable on account of his Majesty's Civil List. Hereupon it was objected, That some parts of the said Bill were not within the Resolutions of the House, pursuant to which the said Bill had been ordered to be brought in; and therefore it was moved, That the Bill should be withdrawn: but this passed in the negative, by 232 votes against 176: then a motion was made for adjourning, which likewise passed in the negative by 237 votes against 199: but at last it was resolved, That the Bill should be read a second time on the 11th instant, by 236 against 200.

April 5. A motion was made for printing such a number of copies of the said Bill, as should be sufficient for the use of the members of the House: but upon the question's being put, it was carried in the negative by 128 against 112.

Petition of the City of London against the Excise Bill.] April 10. The Lord Mayor, Aldermen, and Common-Council of the City of London, presented a Petition against the Excise-bill, setting forth:

"That the Petitioners, on occasion of the Bill depending in this House, for repealing several subsidies and an Impost now payable on Tobacco of the British Plantations, and granting an Inland Duty in lieu thereof, presume, in all humility, to express to this House, as they have already done in some measure by their representation to their members, the universal sense of the city of London concerning any farther extension of the Laws of Excise: That the burthen of Taxes already imposed on every branch of Trade, however chearfully born, is severely felt; but the Petitioners apprehend, that this burthen will grow too heavy to be born, if it be increased by such vexatious and oppressive methods of levying and collecting the Duties, as they are assured by melancholy experience, that the nature of all Excises must necessarily produce: That the merchants, tradesmen, and manufacturers of this kingdom, have supported themselves under the pressure of the Excise-Laws now in force, by the comfortable and reasonable expectation, that laws, which nothing but public necessity could be a motive to enact, would be repealed in favour of the trade of the nation, and of the liberty of the subject, whenever that motive should be removed; as the Petitioners presume it effectually is, by undisturbed tranquillity at home, and a general peace so firmly established abroad: That if this expectation be entirely taken away; if the Excise-laws, instead of being repealed, are extended to other species of merchandize not yet excised; and a door opened for extending them to all; the Petitioners cannot, in justice to themselves, to the merchants, tradesmen, and manufacturers of the whole kingdom, and to the general interest of their country, conceal their apprehension, that the most fatal blow, which was ever given, will be given on this occasion, to the trade and naviga-

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tion of Great Britain: That that great spring, from which the wealth and prosperity of the public flows, will be obstructed, and the mercantile part of the nation become not only less able to trade to advantage, but unwilling to trade at all; since no person who can enjoy all the privileges of a British subject out of trade, even with a small fortune, will voluntarily renounce some of the most valuable of those privileges, by subjecting himself to the laws of Excise: That the Petitioners are able to shew, that these their apprehensions are founded both in experience and in reason; and therefore praying, that the House will be pleased to hear them by their Counsel against the said Bill."*

DEBATE ON THE CITY PETITION.] This Petition being brought up and read at the table,

Sir *John Barnard* immediately rose up, and shewed how much the city and citizens of London, as well as all the other trading part of the nation, would be affected by the Bill for altering the method of raising the duties payable upon Tobacco, and how just reasons they had to insist upon being heard by their Counsel against it; and concluded with a motion for granting them leave to be heard by their Counsel, if they thought fit.

In opposition to this motion, sir Robert Walpole, Mr. Horatio Walpole, Mr. Win-

* "The lord mayor of London, however, contrived to obtain a copy of the Bill, and laid it before the common council; who resolved to petition the House against the Bill, and prayed to be heard by counsel. The petition was patronised by sir John Barnard, and ordered to lie on the table; but their being heard by counsel was over-ruled by a majority of 17; The next day similar applications were made from the towns of Nottingham and Coventry. The order of the day being then read, for the second reading of the Bill, Walpole moved that it should be postponed to the 12th of June: as it was generally understood, that the House would adjourn before that day, it was manifest that the minister meant to abandon his scheme. This mode, however, of dropping it, did not please; they wanted it to be rejected with some severe animadversion, but though some hints were thrown out to that effect, yet the general sense of the House, which was uncommonly full, was so apparent against it, that they did not think it prudent to make any specific motion.

"Many conjectures have been made on the motive which induced the minister to abandon his plan; but I find none so satisfactory as the dislike of counteracting the public opinion. The decline of his majority from 61 on the first, to 17 on the last division, affords no solution of his motives, for the intermediate questions were not of so much importance as the first, and though some of his friends undoubtedly from a dread of encountering the fury of a misguided populace, retired for a time from the scene of contest, I do not find, that more than four joined the standard of opposition. Nor is it probable that the threat of farther desertions alarmed the minister, because, if his partisans had resolved to abandon him, they would have united themselves with the opposition, and have formed a constant majority in the House against him. An anecdote recorded by one of his friends, renders it still more probable, that his unwillingness to carry any measure marked by popular disapprobation, was the true motive of his conduct.

"On the evening before the report, sir Robert summoned a meeting of the principal members who had supported the Bill. It was very largely attended. He reserved his own opinion till the last: but perseverance was the unanimous voice. It was urged that all taxes were obnoxious, and there would be an end of supplies, if mobs were to controul the legislature in the manner of raising them. When sir Robert had heard them all, he assured them, 'That he was conscious of having meant well; that in the present inflamed temper of the people, the act could not be carried into execution without an armed force; that there would be an end of the liberty of England, if supplies were to be raised by the sword. If, therefore, the resolution was to proceed with the Bill, he would instantly request the King's permission to resign, for he would not be the minister to enforce taxes at the expence of blood.' [This anecdote is mentioned in "Historical Remarks on the Taxation of free States," on the authority of Mr. White, member for Retford, who lived in friendship with sir Robert Walpole.]

"Though the House did not rise, as was expected before the 12th of June, yet they adjourned over that day, so that the Tobacco bill was dropt, and the Wine bill was never brought forward. The defeat of this proposition was celebrated in London, and various parts of the kingdom, as a great national victory. Bonfires were made, effigies burnt, cockades were generally worn, inscribed with the motto of 'Liberty, Property, and no Excise;' the Monument was illuminated, and every demonstration given of exuberant triumph and excessive joy. The university of Oxford gave into the same folly, and carried their rejoicings to a most indecent excess. The gownsmen joined and encouraged the mob, jacobitical cries resounded through the town, and three days passed in this disgraceful manner before the vice chancellor and proctors could restore tranquillity." Coxe's Walpole.

"Whitehall, April 12th, 1733. I have already acquainted your excellency with the

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ington, Mr. Talbot, sir Philip Yorke, sir William Yonge, and Mr. Henry Pelham, insisted, That it had always been the practice of the House, never to receive any Petitions, and much less to admit Counsel to be heard, against any Bill for imposing taxes upon the subject; for that if any such thing were to be admitted, it would be impossible ever to pass any such Bill, because there would be so many different petitions presented against it, by those who were to be subject thereto, that it would be impossible to hear counsel separately upon every such Petition, within the usual time of the continuance of one session of parliament: And that in refusing to admit Counsel to be heard, there could be no inconvenience, because every man, and every body of men, had their representatives in that House, who certainly would represent their case to the House, if any particular hardship was to be put upon them by any bill then before the House.

In answer to this, Mr. Sandys, Mr. Gibbon, Mr. Bootle, Mr. Pulteney, sir William Wyndham, Mr. Walter Plumer, Mr. Heathcote, and Mr. Wyndham replied, That the House had never pretended to any general custom of refusing Petitions, except against those bills which were called Money-Bills, that was to say, such bills as were brought in for raising money for the current service of the year; and that even as to them there were many precedents, where the House had admitted the parties, whom they thought to have a real interest therein, to be heard by their counsel against the passing of such bills: That the admitting of counsel even in such cases could never prevent the passing of such bills, because the House could always order all parties petitioning to be heard at one time; and could give such directions, that it would never take up many days to hear every thing, that could be objected by every one of the parties petitioning: That though every part of the nation had their representatives in that House, yet it was well known, that speaking in public was a talent that every man was not endowed with, from whence it might happen, that the particular persons, or part of the nation, to be aggrieved by what was passing in the House, might not have any such members as were proper to lay their case fully and clearly before the House; and that therefore, even as to Money-Bills, it was proper to admit parties to be heard against them, when it appeared that they were very particularly interested therein: And that as to the case then before them, there was not the least pretence for refusing the desire of the Petition, because the Bill, against which it was presented, was no Money-bill; for it was granted by the advocates for the bill; it was even insisted on as the greatest argument for it, that there were no new duties to be imposed; that it was a bill only for altering the method of collecting the taxes already imposed; and therefore it could never be pretended, that there was any practice or custom of the House for refusing to admit parties interested to be heard against such a bill: That if there had been such a custom introduced, it ought not to be observed, especially when such a considerable body, as the lord mayor, aldermen, and common

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scheme of turning the Customs upon Tobacco and Wine into an Excise, and with the progress which a bill for this purpose, so far as relates to Tobacco, was making through the House of Commons. Nothing certainly could be better calculated for a considerable improvement of the revenue, without laying any additional duties, but only by preventing the frauds (and perjury) too frequently practised by dealers in those commodities, which at the same time would have given an opportunity to take off the land-tax intirely. But the misrepresentations of this design, artfully spread over the kingdom, had raised so much dissatisfaction, that the sheriffs of the city of London, accompanied by some of the aldermen and many substantial merchants and traders, attended the House with a Petition from the common council against it: and there was reason to expect like deputations from many other corporations: so that, considering the trouble it would have given during the sessions, and the clamour that had been raised, it was thought advisable to drop it, in the manner that such proposals have usually been as were intended for the public good, but, from unforeseen accidents or other circumstances, proved unseasonable, or difficult to be put in execution. It was accordingly moved yesterday, by those who brought in the bill, to adjourn the second reading of it to the 12th day of June next, before which time, in all probability, the parliament will rise; upon which the opposite party, taking courage, proposed the rejecting the bill. Yet, though the bringing this to a question met with encouragement instead of any opposition, they did not think fit to put it to the vote, being sensible how great a majority would have appeared against them in so full a House as there was upon this occasion: and so the first motion, for putting off the reading of the bill, was carried without any division." De la Faye to the earl of Waldegrave: Coxe's Walpole.

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council of the city of London, come with an humble Petition to be heard against a bill, which they thought would not only be highly injurious to them in particular, but destructive of the trade and commerce of the whole nation.

In this debate there were many precedents brought by Mr. Sandys, Mr. Gibbon, and Mr. Bootle, where the House had received Petitions, and admitted counsel to be heard against Money-Bills: There were likewise precedents brought by sir William Yonge, and Mr. Winnington, where the same had been refused. Then the question being put, for allowing the Petitioners to be heard by their counsel against the bill, it was carried in the negative, by 214 against 197. After which it was ordered, that the said Petition should lie upon the table, until the said bill should be read a second time.

April 11. A Petition of the mayor, aldermen, and common council of the town of Nottingham, against the Excise-Bill, was presented to the House, read, and ordered to lie upon the table: after this a Petition of the city of Coventry was presented to the House, read, and likewise ordered to lie on the table.

Sir Robert Walpole moves for putting off, for two months, the second reading of the Excise Bill.] Then the order of the day being read for the second reading of the said Bill, the Serjeant at Arms was ordered to go into the Court of Requests and the other usual places, and summon the members there to attend the service of the House; and he being returned, instead of reading the Bill a second time, a motion was made by sir Robert Walpole, That the said Bill should be read a second time upon the 12th of June. Though, by this motion, it evidently appeared that the Bill was designed to be dropt; yet some members, who had from the beginning appeared strenuously against it, were for having it rejected: but this proposition did not come to a question, so that the first motion was agreed to without opposition.

Complaint made to the House by several Members, who had voted for the Excise-Bill, of their being insulted by the Populace.] April 12. Complaint was made to the House by several members, who had voted in favour of the Excise-Bill, that a tumultuous crowd of people had been assembled together the night before, and several days during the session, in the Court of Requests, and other avenues to the House; and that they themselves and several other members of the House had been, in their return from the House, menaced, insulted, and assaulted, by a tumultuous crowd of people in most of the passages to the House.

Hereupon it was resolved *nem. con.* 1. "That the assaulting, insulting, or menacing any Member of the House, in coming to or going from the House, or upon the account of his behaviour in parliament, is an high infringement of the Privilege of the House; a most outrageous and dangerous violation of the rights of parliament; and a high crime and misdemeanor. 2. That the assembling and coming of any number of persons in a riotous, tumultuous, and disorderly manner to the House, in order either to hinder or promote the passing of any Bill, or other matter depending before the House, is an high infringement of the Privilege of the House; is destructive of the freedom and constitution of parliament; and an high crime and misdemeanor. 3. That the inciting and encouraging any number of persons to come in a riotous, tumultuous, and disorderly manner to the House, in order either to hinder or promote the passing of any Bill or other matter depending before the House, is an high infringement of the Privilege of this House; is destructive of the freedom and constitution of parliament; and an high crime and misdemeanor."

Then it was ordered, 1. "That the members for the city of London, do signify the said Resolutions to the lord mayor. 2. That the members for the county of Middlesex, do signify the said Resolutions to the sheriff of Middlesex. 3. That the members for Westminster, do signify the said Resolutions to the high bailiff of Westminster."

The Excise Bill relinquished.] April 13. This being the day appointed for the House to resolve itself into a Committee of the whole House, to consider farther of the most proper methods for the better security and improvement of the Duties and Revenues, then charged on and made payable from Tobacco and Wines, a motion was made, for the House to resolve itself into the said Committee, on the 14th of June; and the question being put on the said motion, it was resolved in the affirmative, by 118 against 76. By this

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Resolution, that part of the Excise-Scheme, which related to the Duties on Wines, was entirely laid aside.

A Committee of 21 Members appointed to inquire into the Frauds of the Customs.] April 19. Upon the motion of Mr. Perry, the House resolved, *nem. con.* That a Committee be appointed to inquire into the Frauds and Abuses in the Customs. Then it was farther resolved, That the number of the said Committee be twenty-one, to be chosen by ballotting.

A Petition from the Dealers in Coffee, Tea, and Chocolate, against the Excise-Laws, relating to those Commodities.] April 20. A Petition of the druggists, grocers, and others dealing in coffee, tea, and chocolate, was presented to the House, and read; setting forth, "That by an Act of the 10th year of King George I. intitled, 'An Act for repealing the duties therein mentioned, payable upon 'coffee, &c. imported, and for granting 'certain inland duties in lieu thereof, &c.' the Petitioners were made to hope, that the duties arising from the said commodities would be better secured, and the interest of the fair trader better supported: but that the Petitioners had found themselves, from fatal experience, subjected to laws most oppressive and injurious to trade; were deprived of the privilege of Juries; subjected to the judicial determination of commissioners, and to the inquisition and inspection of persons unknown to them, who entered their houses at pleasure, and to whom they were made accountable for all their dealings; and after having paid duty for their goods, had not liberty to sell the same without permits from the officers of excise, expressing the names and places of abode of the buyers and sellers; to the great damage of the petitioners, and the exposing the extent and circumstances of their trade to the said officers, and to whomsoever they thought fit to communicate the same; were subject to severe forfeitures for errors or neglect of entries in their books, which were absolutely unavoidable; and were moreover, by a clause in an act of the 11th of king George I. liable to be examined upon oath touching the entries in their books, and in case of neglect or refusal were subject to heavy fines: That by these grievances the petitioners, as they conceived, were in a worse condition than any of his Majesty's subjects; and that the clandestine importation of tea was never at a greater height than at the present time, to the prejudice of the revenue, and the ruin of the fair traders, who only were subject to those oppressive laws; therefore praying that the House would give them such relief, as to their great wisdom should seem meet."

Then a motion being made, and the question put, That the Petition be referred to a Committee of the whole House; it passed in the negative, by 250 against 150.

Names of the Committee appointed to inquire into the Frauds of the Customs.] April 25. The lord Vere Beauclerck reported the names of the Committee, appointed to inquire into the Frauds and Abuses in the Customs, viz. sir John Cope, bart. Mr. Clutterbuck, sir William Clayton, bart. Mr. Stephen Fox, Mr. Edgcombe, Mr. Henry Pelham, sir John Heathcote, bart. sir Philip Yorke, Mr. Clayton, Mr. Anthony Lowther, sir George Oxenden, bart. Mr. Talbot, gen. Wade, Mr. Campbell of Pembrokeshire, Mr. Duncan Forbes, sir Tho. Frankland, bart. Mr. Winnington, lord Hervey, Mr. Doddington, Mr. Horatio Walpole, and sir William Yonge, bart. every one of whom had voted for the Excise-Scheme: but there having been two principal lists prepared on this occasion, the following are the Names of those Members who were proposed on the contrary side, every one of whom voted against the Excise Scheme. Mr. Walter Plumer, sir John Barnard, Mr. Gibbon, Mr. Palmer, Mr. Sandys, lord Limerick, lord Morpeth, Mr. alderman Perry, Mr. William Pulteney, Mr. H. Furnese, sir Edward Stanley, bart. Mr. Thomas Wyndham, sir Francis Child, knt. Mr. Robert Dundas, sir William Wyndham, bart. Mr. George Compton, Mr. Edmund Waller, Mr. Edward Harley, Mr. William Noel, sir John Hynde Cotton, bart. sir Thomas Saunders Seabright, bart.*

* "Whitehall, April 26, 1733. I have already given your excellency an account of the proposal made in the House of Commons by the opposite party for a committee to be chosen by ballot, to inquire into Frauds in the Customs. They thought they had thereby brought the court into this dilemma: if the motion had been rejected, it would have been said, that the ministry durst not stand the inquiry into facts they had laid down as the

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principle upon which the Excise bill was to be founded; if it was carried that a committee should be chosen by ballotting, the gentlemen in opposition have given out so often, that those who voted for the court did it against their real sentiments, merely for self interest, that they had talked themselves into a belief of it, and had great hopes that a committee, chosen in this manner, would have been to their mind; and then it is easy to guess how this inquisition would have been managed, and that they would have carried it higher than to the merchants and the officers of the customs, who have so near a relation to the treasury.

"On Tuesday the ballot came on: a matter indeed of greater consequence than even the Excise Bill itself. Every member was to give his vote, as it were in the dark, left intirely to follow his own natural inclinations, or if you will have it so, the opinion he might have of the duration of the present ministry, after such a shock as the affair of the Excise might be thought to have given it. Both sides acted a manly part in one respect: their respective lists did not contain names of any whose affections either way might be doubted, but all staunch men and the chief of their party, such as Mr. Pelham, Mr. Walpole, Mr. Attorney and Mr. Solicitor General, on one side; sir William Wyndham, Mr. Pulteney, Mr. Sandys, and sir John Barnard, on the other side, who did not even leave out alderman Perry, though his concern in the tobacco trade might make him be looked upon as not a very proper examiner in such a cause. The event was, that the court list, as it was called, was carried by a majority of 85. And so well did those who voted it stick by one another, that of the 21 chosen, he that had most votes for him (which were 294) had but 10 more than him who had least. The highest number of the opposite list was 209, and the lowest 191; so there were 18 men of their party, and but 10 of the court, that did not put into the glass plum-lists, that is, vote for every one of the persons recommended to them. As this committee will now literally answer the end of their being appointed, there are materials ready for them, which had been collected on account of the Excise Bill. We now look upon all the troublesome part of the sessions to be over, and hope for a speedy conclusion of it." De la Faye to the earl of Waldegrave: Coxe's Walpole.

"Notwithstanding Walpole's defeat, the opposition still laboured under two gross mistakes: the first was, that many members who promoted the Bill, had voted in contradiction to their real sentiments from self interest; and

Report of the Committee of the House of Commons relating to the Charitable Corporation.] April 27. The Commons proceeded to take into consideration the Report from the Committee, to whom the Petition of the Proprietors of the Charitable Corporation for relief of industrious Poor, by assisting them with small sums of money, upon pledges, at legal interest, assembled in a general court, was referred. And the said Report was read, as follows:

the second, that the King did not cordially support the minister, but waited only for a favourable opportunity of removing him. They had the mortification however to be fully undeceived in these opinions. A sufficient proof that they had undervalued the number of those members who were attached to the minister soon appeared, upon a motion for appointing by ballot a committee to enquire into the Frauds in the Customs. This proposal was intended to reduce the minister to a dilemma. If it had been rejected, it would have been said, that he durst not stand an inquiry into the facts which he had laid down as the principle on which the Excise Bill was founded: if it was carried, great hopes were entertained, that in chusing a committee by ballot, many of those members who they believed had supported the minister from a dread of incurring his displeasnre, would venture to give their votes in favour of their list, in preference to the court list, when it would not be known for which list each particular person gave his vote. No opposition being made, a ballot took place, and a warm contest ensued; each side acted an open and manly part. Their respective lists contained the names of those only who were staunch friends, and the court list was carried by a majority of 85. This decisive victory put an end to the efforts and hopes of opposition for this session of parliament.

"They were no less undeceived in their opinion, that the King did not cordially support the minister. Some persons of great consequence, had also about this period joined opposition, and this defection was increased from an idea which generally prevailed, that the credit of Walpole was declining, and his disgrace certain. In the House of Peers, the opposition which had been rendered formidable by the junction of lord Carteret, was considerably increased by the defection of several who enjoyed very profitable posts under the crown: The earl of Chesterfield, lord steward of the household, the earl of Burlington, captain of the band of pensioners, lord Clinton, lord of the bed chamber, and three Scotch peers, the duke of Montrose, keeper of the great seal, the earl of Stair, vice admiral, and the earl of Marchmont, lord register. To these were added, lord Cobham, colonel of the King's regiment of horse, and the duke of Bolton, colonel of the King's regiment of horse guards. Many of these had influenced their friends in the House of Commons, and particularly the three brothers of lord Chesterfield, had voted against the Excise Bill. It was generally believed, that the number and consequence of these peers would prevent the minister from venturing to

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REPORT, from the COMMITTEE to whom the PETITION of the Proprietors of the CHARITABLE CORPORATION, for Relief of industrious Poor, by assisting them with small Sums upon Pledges at legal Interest, assembled in their General Court, was referred.

Your Committee proceeded, in the first place, to inquire what loss had been sustained by this Corporation, and find, that by a Report made from a Committee to this House, the last session of parliament, the loss was computed to be on the 15th day of February, 1731, 421,825*l.* 6*s.* 9¼*d.* that by a Report made to this House this session, by the commissioners appointed by an act passed in the last session, intituled, 'An Act for appointing Commissioners for taking, stating, and determining all the claims and demands of the creditors of the Charitable Corporation,' the loss is stated to be 487,895*l.* 14*s.* 10¼*d.* to make good which, there appears to be by the said Report, only 36,411*l.* 0*s.* 3*d.* besides what might be expected from the effects of George Robinson and John Thomson, (which as stated by the said Commissioners, will produce nothing) and the securities of William Tench and Jeremiah Wainwright, late cashiers to the said Corporation.

The reason of the loss appearing greater this year than the last, your Committee apprehend, is owing to the difference between the valuation of the goods pledged, and what they sold for; the expences of the Corporation since that time; and the insufficiencies of the securities of George Robinson and John Thomson.

Your Committee directed the accomptants of the said Corporation to lay before them a state of their debts and effects to the 28th day of March 1733, by which it appears, that the loss sustained by the said Corporation on the said day, was 487,895*l.* 14*s.* 10¼*d.* to answer which there remains in money and effects 34,150*l.* 13*s.* 1½*d.*; so that the net loss to the said Corporation is 453,745*l.* 1*s.* 9¼*d.*, except what may be recovered of the effects of George Robinson and John Thomson, and the securities of the officers; of which your Committee can make no estimate.

Your Committee find, that by their charter dated the 22nd day of December, 1707, they were impowered to raise a fund not exceeding 30,000*l.* and to lend out the same for relief of industrious poor, upon goods, wares, pawns, and pledges, as should be desired; that by three subsequent licences, the said capital was increased to 600,000*l.*

Your Committee then proceeded to inquire, by what arts, means, and contrivances, this Corporation could possibly be defrauded of so large a sum: And find,

That, by the Charter, seven persons were appointed a committee to manage the affairs of the said Corporation, subject to the controul of a general court.

That, till the 26th day of October, 1725, little business was done; but, on the said day, a new committee was chosen, consisting of sir Robert Sutton, sir John Meres, Dennis Bond, esq., Archibald Grant, esq., (now sir Archibald), Joseph Gascoigne, esq., sir Fisher Tench, and W. Oaker, esq.

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remove them, and that the King would not consent to their dismission or resignation. But the event proved otherwise. On the 11th of April the Excise Bill was abandoned; and on the 13th, as the earl of Chesterfield, in company with lord Scarborough, was going up the great stair-case of the palace at St. James's, he was informed by a servant of the duke of Grafton, that his master wanted to see him on business of the greatest importance; on returning home the duke of Grafton waited on him, and acquainted him that he was come by the King's command to require the surrender of the white staff, which was immediately delivered. The dismission of Chesterfield was followed by the removal of Montrose, the earls of Stair, Burlington, and Marchmont, and lord Clinton. The resentment of the minister was carried so far, that lord Cobham and the duke of Bolton were even deprived of their regiments.

"The authority of the minister was also fully proved by the nomination of his confidential friends to the vacant offices, among whom the earl of Ilay was most conspicuous. His son, lord Walpole, was also made lord lieutenant of the county of Devon, in the room of lord Clinton, and all doubts of his superior influence in the cabinet, were removed by the appointment of sir Charles Wager to the office of first lord of the Admiralty, vacant by the death of lord Torrington, which took place in June. His power on this occasion was far more evident, because there was no instance, since the accession of the House of Brunswick, that a commoner was raised to that high office, and because George the Second had a strong predilection for persons of rank, and had often been informed, that the family of sir Charles Wager was not sufficiently distinguished." Coxe's Walpole.

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That under colour of a Resolution of a General Court the 2nd day of November, 1725, the said Committee took upon them (contrary to their Charter) to appoint officers, and to make orders for the direction and management of their affairs, without communicating the same to, or having the approbation of general courts; and that though an oath was appointed to be taken by the several officers, it does not appear the same was ever administered by the Committee to any of them.

That, on the 7th day of April, 1726, eleven persons were chosen by the General Court, to be assistants to the Committee; and on the 5th day of May, 1726, the powers given to the assistants as reported from a court of Committee, were agreed to.

Your Committee observe, that these persons were chosen, and continued to act with equal authority with the Committee, without having any warrant by their Charter for so doing.

That, on the 18th day of November, 1725, John Thomson was chosen by the said Committee chief warehouse-keeper to the said Corporation at the house in Fenchurch street; and soon after an assistant warehouse-keeper, and a sufficient clerk, were appointed, and Mr. Clarke was chosen surveyor of the warehouses.

That, on the 13th of May, 1726, Mr. Clarke, the surveyor of the warehouses, was ordered to give an account of his particular observations on each parcel weekly to the Committeee.

That on the 20th day of May, 1726, Mr. Clark, surveyor of the warehouses, was desired to bring in his observations in writing, upon the insufficiency of the value of some of the pledges, upon which money had been lent at the house in Fenchurch Street, in the same method he had made them on the pledges at the house in Spring Garden; but instead thereof, your Committee observe, at the request of Thomson, warehouse keeper of the said house, he was soon after removed, and Richard Woolley and Thomas Warren (creatures of the said Thomson) were appointed assistants to him.

That, by the general Instructions given to the accomptant (a person who had given good security) a key of the warehouse was to be left with him; but, at the request of Thomson, it was taken from him, and left with the meanest officer of the Corporation.

The Charter directs the several pledges to be entered in a book, to be viewed gratis, and kept and preserved by the warehouse keeper for that purpose; that the Corporation should keep one or more register or entering book, wherein should be fairly written the names, natures, kinds, and quantities of such goods, pawns or pledges, as shall be brought by any borrower to be pawned; and that such goods should be carefully preserved and kept by the warehouse keeper or warehouse keepers in convenient warehouses or places within the Bills of Mortality; and that a reasonable value of such goods shall be agreed and settled by and between the borrower and warehouse keeper, whereby it may appear, that such goods are a sufficient security for the sum lent upon the pledge, together with the interest that should grow due.

That such warehouse keeper should, from time to time, give notes in writing to every borrower, expressing and describing the afore-mentioned to be the agreed value of the goods so pledged, and also mentioning the sum of money which should be then lent upon such goods; and that all notes so given to such borrower as aforesaid, should be entered in some book to be kept for that purpose, by the book keeper of the said Corporation.

That after such note should be so made, the borrower shall bring such note to the cashier of the said Corporation, who shall file the same, and pay the money, and also give another note for and on the behalf of the Corporation, to the borrower, intitling him, or the bearer of such notes, to the redemption of the goods so pledged, upon repayment of the principal money and interest.

That when any borrower shall offer to pay the money lent to him, and interest as aforesaid, he shall deliver up his note given to him by the cashier, and take back the note that shall have been first given by the warehouse keeper, with a receipt thereon indorsed, for what goods shall be then re-delivered, the borrower shall have his goods again.

That as often as goods, by failure of redemption, shall become forfeited, they should be sold by way of auction, and public notice first given thereof; and if, upon such auction, there remain a surplus of money more than will pay the principal and interest, and reasonable charges, it shall immediately be paid to the prime owner or bearer of the note given by the cashier.

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That, by their charter, the said Corporation is prohibited from giving out, or issuing under their common seal, any Bills or notes except such notes as shall be given by the cashier of the said Corporation, for moneys to be lent by them upon goods to be pawned, as aforesaid.

To avoid which, a method was contrived of making fictitious pledges, for a pretence of issuing notes; and to facilitate the same, notwithstanding an order formerly made, that no sum above 1,000*l.* should be lent upon any one pledge in Fenchurch Street, it was resolved, that any of the Committee or assistants should be impowered to authorise, by any writing under his hand, the officers of the house in Fenchurch Street, to lend more than 1,000*l.* upon one pledge, at any time when the necessity of the borrower does require it, or he shall see other sufficient cause to do it: and soon after it was ordered, that Mr. Thomson may lend as far as 2,000*l.* on any pledge, and any farther sum, with the approbation of the Committee.

It was likewise ordered, that all borrowers might negotiate their business with this Corporation, either by themselves or brokers.

By these contrivances, your Committee observe, the whole business fell into the hands of a few brokers, and chiefly Woolley and Warren; and large sums of money were soon drawn out, which, if it had been to have been lent in small sums of money, pursuant to their charter, and in the names of the real borrowers, it could never have happened without being immediately observed by the whole Committee and assistants.

That although an order was made, That the Committee of accounts do inquire into all pledges made to this Corporation, and that they make a report relating to redemptions, or goods remaining in the warehouses, with all incidents attending the same;

And that although an order was likewise made, That an account of all the pledges made to the Corporation be entered in a book, to be always laid upon the table, when the committee of accounts, or the gentlemen that attend at the house in London for each day respectively, do meet there; that the dates of the times when each pledge is taken in, and place where the same is deposited; and also, that the several redemptions and renewals, from time to time, be particularly set forth in the said account: yet neither of these orders were complied with.

Your Committee find, that, contrary to the prohibition in the charter, the Committee and assistants of the said Corporation executed first a deed with Thomas Jones, for circulating their notes, and afterwards another with George Robinson for the like purpose, which proceedings encouraged them to issue notes to the amount of 101,115*l.* although the goods remaining in the warehouses on the 16th of October, 1731, did not amount to more than 40,000*l.*

That when the notes began to lose credit, they ordered bonds to be coined and issued in exchange for them, without enquiring or examining whether the said notes had been issued on pledges; by which proceedings, a great part of the debt has accrued.

And that the said Committee and assistants have advised the general courts to declare large dividends, without having cast up the books, or examined their accounts, or considered their profits, and without having ever inspected their warehouses, to see whether they had any pledges for the several large sums of money lent; and sometimes, without having seen any account whatsoever.

John Thomson, late warehouse keeper to the said Corporation, being examined in the most solemn manner, touching the frauds, imbezzlements and breaches of trust, which had been committed by those concerned in the care and management of the affairs of the said Corporation, said, that although, by the petition to his late Majesty in 1728, for an augmentation of the capital of the Charitable Corporation for relief of industrious poor, by assisting them with small sums upon pledges, at legal interest, it was alledged, that they had completed their fund of 100,000*l.* and lent the same upon pledges; yet, in reality, neither the one or the other was true; for it does appear by the books of the Corporation, that the fund was not near completed, and the amount of pledges, both real and fictitious, came much short of the said sum.

That though there was an oath settled to be administered to the several officers of the Corporation, yet the same was never tendered to him.

The Examinant being asked, If he never had any cheque upon him, said, but one, as he remembers, and that was, Mr. Clarke, the surveyor, with whom he had some difference; but without any views of making use of the company's money: but that if he had been continued, no receipts on fic-

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titious certificates could have been given; yet he does not know that the discharging of Mr. Clarke, the surveyor of the warehouses, was a concerted thing, or done with any view of pursuing the measures that were afterwards entered into, and occasioned the Company's great loss.

The Examinant, being asked about the key of the warehouse being taken from Wainwright the accomptant, said, Wainwright desired the same might not remain with him; but that Wainwright was not concerned in any measures with the Examinant.

That Lovell had a key of the warehouse some time, and the same was taken from him, upon his happening to be sent of an errand, when a person came to redeem his goods, and was obliged to wait some hours for his return, which inconveniency the Examinant represented to the Committee; and that, about the same time, money was lent upon goods in other warehouses, where, for the sake of the merchants character, he could not have a key, which was an argument the Examinant likewise used with the Committee against the same; but he does not remember the order for Lovell to have the key, was ever recalled.

That whilst the order subsisted for the accomptant to keep the keys of the warehouses, jointly with the warehouse keeper, some pledges were wanting at the house in Spring Garden, upon Mr. Rock, warehouse keeper of the said house, leaving the service of the Corporation, about Midsummer 1729, which, to the best of his remembrance, was pretended to be on account of some private debts of his own. And Mr. Burroughs, one of the committee for managing the affairs of the said Corporation, was the sole person appointed to look into the affairs of that house, in which he desired the Examinant's assistance: and after they had examined the same, a very great deficiency was found, there not being so many pledges as stood on the books; thereupon, it was resolved by the five partners; viz. Sir Archibald Grant, bart. one of the Committee for managing the affairs of the said Corporation, captain William Burroughs, one of the said Committee, William Squire, one of the assistants, George Robinson, circulating cashier to the said Corporation, and the Examinant, who was warehouse keeper at the house on Lawrence Pountney Hill, to discharge that privately by money to be paid into the hands of the cashier, to be applied for the redemption of the pledges wanting, or to make good the pledges, upon which more money had been lent than they were worth, and others that were so much damaged for want of care, that they did not sell for so much money as was lent upon them. That the reason why they did this, was, lest the publication of it at the board or a general court, should draw an inquiry into the state of the affairs of the house on Lawrence Pountney Hill; and this was in part executed, and the rest resolved to have been done when they were able.

The Examinant further said, That though the nature of the defeazances given to the borrower, the bill of sale taken from him, and the certificates given to him by the warehouse keeper, and the receipt taken thereon from him by the cashier upon paying him the money, and also the blank for the accompt to be made up by the accomptant, upon the borrower's coming to redeem his goods, the receipt to be taken by the cashier for the money upon the back of the warehouse keeper's certificate, and the receipt upon the back of the bill of sale to be taken by the warehouse keeper from the borrower upon delivering the goods, were well adapted to the business, yet they were not regularly observed; and he does not remember, that ever any of them were called for by the committee or assistants to be examined, except the defeazances, and those but latterly. That the business of the Corporation was not observed or followed according to the methods and forms prescribed by the charter, or otherwise, in any of the offices, or by any of the officers; and that, as he gave the closest attendance, he not only acted irregularly in his own office, in support of himself by the wrong measures that were taken, but he acted very often as cashier in the absence of Mr. Tench, and both paid and received money: and he has likewise very frequently, in the absence of Jeremiah Wainwright, the accomptant, cast up accounts, made transfers, and done duty for him; and that though these irregularities have, at times, been taken notice of by several gentlemen in the direction, yet they never pushed it to that length, as ever to take any effectual methods for the remedying of it. And the examinant has often observed to Mr. Squire, in particular, in conversation (who was more at the office than any of the rest) that nothing but a general infatuation, and that, proceeding from the great advantage they made of their money, kept them quiet, and made them dread doing

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any thing that should lessen it. That the examinant had seen several of the gentlemen concerned in the management of the affairs of the Corporation at times, particularly Mr. Molesworth, Mr. Jackson, and Mr. Torriano, betray great uneasiness and grumbling, and say, the officers should be obliged to do their duty; that the warehouses should be looked into, and found fault with every thing that could be found fault with; but they did not carry it to a resolution: and that he does not remember, that any of the gentlemen ever carried it to that height Mr. Torriano did, for that he had given the partners uneasiness at the board for a considerable time. And the partnership of five in company, recommended it to Mr. Squire, who was most intimate with him, to take him off.

That this was about the time or soon after, they had engaged in York stock; and as Mr. Squire afterwards reported to them, he had very free with Mr. Torriano, and told him, that though there should be some mismanagements in the Corporation's affairs, yet it was his business to give time to have them rectified, and not fall out with his own bread and butter, by exposing of them; or words to that effect. That if he would be quiet, and draw along with him (Squire) he would give him a piece of advice, by which he (Torriano) might make his fortune; and his mother and sisters, who had a great deal of money, might get a great deal more. This had the desired effect, and Mr. Torriano, who had before come into the examinant's office, and told him he had and would insist upon an examination of the pledges, (to which the examinant durst not offer any objection, though, at that time, he dreaded nothing more) told Mr. Squire some time afterwards, in the examinant's hearing at Pontack's, that he would never afterwards propose any thing at the board, without consulting him first. That York stock (into which Squire had brought him, and also his mother, whom he had been carried to visit) had then taken a considerable rise. That Mr. Squire was become a great favourite of Mr. Torriano's, and his family, and stood as godfather to one of his children, and often visited them, until York stock took a very great rise, when Mr. Torriano, his mother and sisters sold out, by which they got several thousand pounds. That Mr. Torriano kept his word for some time, until selling his York stock, without consulting Mr. Squire, created a coldness, which grew again to a head, and he complained as before when he came to the board; but he never took the same pains, or attended so close, as he was wont to do formerly; and the examinant apprehends his conduct afterwards proceeded from his suspicions being better grounded than the suspicion of several of the others of the directors could be.

That Mr. Torriano bought at the last public sale that the examinant made for the Corporation, a large quantity of verdigrease, and bid more for it than it was really then worth at the market price, but never paid for it; so that it remained in the warehouse when the examinant went away; but the examinant durst not complain of it, but brought the same to the account of goods put up to sale, and not sold.

And the Examinant said, that though instructions were made out for the several officers of the Corporation; in particular to the warehouse keepers, cashiers and accomptants, after being referred to some of the directors, and approved of by the court of committee; yet he does not remember he ever had a copy of them in form signed by the secretary; nor did he ever see any of the instructions to the officers: that he never remembers to have been put in mind of his instructions, nor referred to them; nor does he remember any other of the officers were, though they acted very different to the instructions shewed him by your Committee; that he remembers he kept a book of orders, and he believes had a copy of instructions in it; but that he had not them from the beginning: that they were not given him by the secretary, and are not the same as those shewed him by your Committee.

That the order, impowering any one of the Committee or assistants attending at the house in London, to authorise, by any writing under his hand, the officers of the said house to lend more than 1,000*l.* upon a pledge at one time, when the necessity of the borrower does require it, or he shall see other sufficient cause to do it, was procured by Woolley, Warren, and Squire, in conjunction with the examinant, to enable them to buy any large quantities of goods which should offer, being great bargains; and the same was accordingly done for that purpose, by a purchase of several articles for their joint accounts, upon which Woolley and Warren are largely indebted.

That the order, that borrowers might negociate by brokers, was likewise made in favour of Woolley and Warren, in opposi-

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tion to Thomas Jones, who pretended to the sole privilege of pledging for others, by virtue of a contract or agreement made with the Corporation.

That the said Woolley and Warren prevailed with the Committee to permit them to print handbills, importing that any persons, applying to Messieurs Woolley and Warren, may have their goods pledged with the utmost dispatch and secresy; and that the same persons would sell the same by commission, if desired: by which means the real names of the borrowers were concealed, which otherwise could not have been done. And if that order had not been made, it would have been impossible to find names to borrow so much money, there having been between 2 and 300,000*l.* borrowed in their names.

That the Order, that the examinant might lend as far as 2000*l.* upon any one pledge, and any further sum with the approbation of the Committee, was procured to favour the borrowing of large sums upon fictitious pledges, to supply Mr. Robinson with money to purchase the company's shares.

That the order, that an account of all the pledges made to the Corporation be entered in a book, to be always laid upon the table, when the committee of accounts, or the gentlemen that attend at the house in London for each day met there, was for some time complied with, but afterwards discontinued.

That the Order, for writing upon the certificates for pledges supposed to be in the out warehouses, was made the better to conceal the same, because the certificates were not laid before the Committee; and it was thought, that the before-mentioned book being always laid before the committee of accounts, might give rise to inquiries.

That he believes Woolley and Warren signed bills of sale, presented to them by Mr. Tench, with certificates tacked to them, weeks after the money had been paid upon such certificates: and that they, the said Woolley and Warren, often told him, that Mr. Tench frequently asked them what they did with all that money; and, in a merry way, insinuated to them, that the same was misapplied; and Mr. Tench has expressed himself fully to the examinant upon that head, and threatened to expose it, till Mr. Robinson took him off, by allowing him a salary equal to that the Corporation allowed him: That Mr. Tench has likewise, at several times, in the years 1727 and 1728, insinuated to him, in the presence of Wainwright the accomptant, that there were great deficiencies of goods, and that Wainwright had good reason to suspect the same.

The examinant further said, that Woolley and Warren knew before any body else, except Mr. Squire, that large sums of money were issued upon pledges before any goods were brought into the warehouses for it; and although goods were afterwards brought in, they knew them not to be a security for the money lent, according to the rules laid down by the Corporation, nor of the intrinsic value at the time they were lodged.

That the said Woolley and Warren likewise applied some of this money to their own uses, and likewise some of the goods of the said Corporation.

The examinant being asked about the coining 60,000*l.* notes about May, 1731,—said, there was such a parcel coined, and believes the same was done by consent of most of the gentlemen; that it was proposed by Robinson, and does not remember any difficulty was made about coining the same: That they were kept in a wainscot box, with two different locks and keys, one of which sir Archibald Grant kept, and Mr. Torriano the other, for a considerable time: that the said notes were afterwards cancelled; but does not recollect how, or in what manner the same was done.

That the occasion of coining the said 60,000*l.* notes was, the great danger the copartnership of five knew themselves in of having the fatal secret discovered, at the time the petition of the city of London was presented to the House of Commons, which put them upon thinking of all ways and means to support themselves against an enquiry at that juncture, and to prevent their receiving any slur upon account of demands upon the Company for notes then due, which they found Mr. Robinson was unable to answer, notwithstanding the great balance due from him to the said copartnership, and likewise the great balance due from him to the Company; and also to evade the intention of the House of Commons, which the Company then apprehended was to restrain them from issuing any more notes after a certain time.

And he further said, that, to the best of his remembrance, it was a thought of Mr. Burroughs's, and that he acquainted the

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examinant with it as such; and that the argument that was judged proper to use with the other gentlemen to bring them into it, was, that though Mr. Robinson appeared to have a large balance of cash in his hands, yet he was loaded with shares, and had lodged great sums in notes in some people's hands, upon which he had borrowed much less than the amount thereof: that those arguments prevailed, and he does not know that any of the gentlemen dissented from it, except Mr. Torriano: and the like argument prevailed for the issuing of bonds, in evasion of the declared intention of the House of Commons.

And the examinent further said, that when the petition of the city of London against the Corporation was before the House of Commons, (and not till then, that he knows of,) the directors at several meetings looked into their charter, and began to compare it with several orders, minutes, and regulations made; and the examinant believes, that several of them were then sensible they had exceeded the powers granted them by their charter, which does not allow of circulating notes and bonds, and that they had endeavoured to evade the law by the agreements entered into, first with Jones, and then with Robinson, and then judged it contrary to law; and the directors found that they should have ordered the keeping of several books (which they did not) for public satisfaction; that they discovered several faults in the bill of sale; that they took from the borrower the defeazance they gave him, and the receipts upon the same, and with other parts of the management, which the directors set about to reform as soon as the parliament was up; but that being dangerous, as the partners dreaded it might bring on other reformations, they soon put an end to it, by not attending the committees, and the directors could rarely get a number without them.

That, about the same time the partners set about renewing all the old pledges, a great many of which stood without being renewed or redeemed for so long a time; that, of itself, would have occasioned an enquiry, if the directors had ever looked into the books and understood them; some of them for large sums standing out for three years, and the partners judged if they could get them renewed, and the interest upon them paid, and the notes provided for by issuing bonds, and the dividend paid, (which was declared before the examinant went away) the partners then might stand it for some time; and they hoped that York stock would still take a rise to redeem every one of them, except Robinson, they having a great quantity of that stock still remaining; which sir Archibald Grant, Mr. Burroughs, and Mr. Squire, sold out afterwards; as appears by the inventories of the two first delivered in.

That in consequence of this resolution of renewing the pledges, the examinant paid to Mr. John Richardson, clerk to Mr. Tench, 7,000*l.* and upwards at one time, for interest and charges.

The examinant being asked, What concerns Richard Woolley had with the Corporation? said, That Richard Woolley was intended at the Company's beginning business, to be their accomptant, and depended upon that office from the interest of sir Fisher Tench; but being disappointed, he joined Mr. Warren as a partner; though he does not believe they entered into articles of partnership; and they two proposed to attend the office as brokers, to pledge goods for other people, and to sell them when they could not redeem them: They did so for some time but with small success, till Thomas Jones, by means of sir Fisher Tench, proposed circulating the Company's notes, upon conditions that struck against Woolley and Warren; and sir Fisher Tench, proposing a greater advantage to himself by supporting Jones, than Woolley and Warren, left them; and Mr. Squire, who was then got into the direction, being acquainted with both Woolley and Warren, joined them, and sought means of promoting their interest, which very soon offered, by Jones's not being able to perform his contract; and that then they were brought in as clerks under the examinant, to assist him at sales, and had salaries at 30*l.* per annum, each allowed them, which continued all along.

The examinant further said, that Squire, Woolley and Warren, attended him close, and proposed many different schemes to him, they supposed would turn to their mutual advantage, without his having much trouble; for Woolley and Warren pretended to take that upon themselves: that the Company had but a very small fund at that time, and was so little known, that there were not loans sufficient offered for the money they had: that Warren, about that time, found out a parcel of gold and silver brocades, and other silks, of a

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bankrupt, that was in the hands of the assignees, to be sold a great pennyworth: that the examinant was persuaded by Woolley, Squire, and Warren, to go to see them, and found them to be as represented; and the examinant had no objection to the buying of them with the Company's money for their joint account, but that he wanted time to attend to the sale of them: they readily undertook that, and proposed to account to the examinant every week for the amount of what was sold, till the Company was reimbursed with interest and charges: that certificates were accordingly made out, to the amount of several thousand pounds, and the money had upon them from the cashier; that the silks were bought and carried into the office, but the invoice fell short by 300*l.* of what it was supposed it would have amounted to, and of what had been issued for the purchase of them.

That Woolley and Warren are still chargeable with the said deficiency, and with several other sums, they received by the sale of part of the said silks, and that they intirely neglected the sale of the rest of the said silks, as soon as they got some money into their hands, until they became damaged by lying by, the examinant not having time to dispose of them.

About the same time great quantities of coals were bought for the same account, and in the same manner, in conjunction with Mr. Ridley and Mr. Dale: that some time after the money had been issued upon them, a great profit might have been made thereof; but they refused to sell them, and after losing their market, never would give themselves any trouble about them.

That they were afterwards sold to a great loss, and that the said Squire, Woolley, Warren, Ridley, and Dale, are now chargeable with their shares thereof.

The Examinant said, that these were the first irregular proceedings he remembers to be in the Corporation.

That some time after this, Warren applying himself intirely to the selling corporation notes, and buying, selling, and pledging shares of the Corporation, in which he found so much encouragement, that he intirely left Woolley, who then turned himself to do business for the country clothiers, in which he succeeded very well, and Woolley took a house in the city, and Squire lodged with him: that they two proposed to enter into a partnership with the examinant to sell cloths for the country clothiers; a great many of whom sent up their cloths, and borrowed money of the Corporation upon them, and agreed to pay Woolley the commission, and allow him the other advantages they gave the Blackwell Hall factors: they likewise agreed to take soap from Woolley, which he made by an agreement with one Davis, as good as that which comes from France or Spain: this business succeeded very well at the beginning, and by the articles of partnership the business was to be carried on in the name of Richard Woolley and company, and he was to keep all the books under a penalty. That the principal advantage Mr. Squire and the examinant proposed to the Corporation from this partnership, was, that by engaging and serving the manufacturers, they should have their protection in parliament, by petitions from the manufacturing towns in favour of the company, in case any petition should be presented by the city of London against them, which they were always threatened with; but that Woolley soon lost them the prospect of this protection: that on a sudden Woolley turned gentleman, neglected the business, married, set up his coach and chariot, lived at a great expence, laid out a great deal of money on a country house, and made settlements on his wife of purchases he had made: that all this was done with money he received by the sale of goods, which should have been paid to the company by way of redemption. That during this management of Woolley's, Mr. Squire was as uneasy as the examinant, and they had frequent conversations with Woolley about it; but he took upon him to shew them, that he put them at defiance, by insinuating his knowledge of their great secret, which prevented their coming to an open rupture with him: that when the said Woolley was about being married, he borrowed 300*l.* of the examinant to pay (to the best of his remembrance) for his wife's account, as Woolley informed him: that the said Woolley has effects to a great value; and that what the examinant can prove against him will bring all back to the Corporation: that the said Woolley has brought in the examinant his debtor, though the examinant never had sixpence from him: and that since the time the examinant knew him, he was not in a capacity of lending him sixpence, which he could call his own.

The examinant being asked, what concerns Thomas Warren had with the Corporation, said, That Thomas Warren had, since the beginning of the year 1728, ap-

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plied himself intirely to act as a broker in buying and selling, but chiefly in pledging corporation shares to monied gentlemen; with several of whom, by close attendance upon them, he had got a great intimacy, particularly Edward Turner, esq. of Gray's Inn, Edward Turner, esq. of Lincoln's Inn, Thomas Milner, esq. Mrs. Forth, Captain Selby, Edward Gilbourne, esq. Mr. William Hoskins, Mr. Thomas Hotchkiss, Mr. Lascelles Metcalfe, Robert Mann, esq. Mrs. Aim Smith, William Turner, esq. and many others, to whom he pledged shares, and sold notes of the Corporation, and raised large sums of money upon them for Mr. Robinson, and sometimes for the examinant: that Warren always exacted 1*l.* per cent. for his own commission, though he often borrowed the money but for three months; and if the same came to be renewed for further time, he required the same commission again: that the premiums the examinant always paid for money on Corporation notes or shares, over and above the interest of 5*l.* per cent was always after the rate of 2 per cent. per annum at the least, but oftener more: notwithstanding which, the examinant could never get the whole money borrowed out of Warren's hands, who owes him several balances on those accounts, as well as others: and that Robinson has often told the examinant he always paid the same; and that for the course of two or three years he could never draw the balance of money out of Warren's hand, which he had raised in that manner for him; but that the said Warren was indebted to him 3 or 4,000*l.* upon that head, and in a much larger sum for shares bought for them jointly, (upon which money was borrowed) by Mr. Robinson's having paid the difference betwixt the money borrowed upon them, and the price the shares cost, though they ran equal shares in the profit and loss that should accrue upon them.

The examinant further said, That Warren bought shares in company with Robinson and himself, in which he is indebted in a great balance, in the same manner as before-mentioned; and that they came into those things to satisfy his avarice, which was insatiable, and to keep him quiet; though in the fulness of his heart, at times, he had owned to the examinant, that he had got 4,000*l.* per annum by his commissions; that Warren, several times when Robinson wanted money (and when he could not raise any for him upon Corporation notes) proposed to the examinant to give him jewels to the value of 1,000*l.* or 1,500*l.* which were deposited with the lender, and also their notes for the same value as a collateral security; by means whereof Warren several times raised money: that the same was a proposition of Warren's, though he knew, at the same time, the jewels were then pledged to the Corporation: that when he came into the Corporation, he had not credit for a guinea, and barely a coat to his back: That the examinant was forced to acquiesce in these things to keep the secret, to which he had good reason to believe from circumtances Warren was no stranger. That speaking impartially of the affair, and which will appear by the accounts, when they come to be stated by the examinant, Warren's avarice, and his principals, to which Robinson's necessity obliged him to submit, was the great cause of all that happened, and the ruin of the company: that Warren, in company with Woolley and Squire, was the promoter of the first irregular step the examinant can remember was taken in the Corporation, viz. silks and coals that after Warren has paid all he is engaged to pay for the examinant, he apprehends, upon stating the accounts, he will be the examinant's debtor.

The Examinant being asked concerning the partnerships of four and five, said, the account or partnership of five, viz. of sir Archibald Grant, Mr. Burroughs, Squire, Robinson, and the Examinant, was begun in the month of October, 1727, when it was agreed by the said partners, that they should borrow money of the company, as if pledges were really lodged for the same, and become purchasers of the company's shares, which were then a little above par; and as they flattered themselves then with an enlargement, so they did likewise with the great rise of the shares, the benefit of which rise was the temptation that led them to do it; and upon the sale of those shares they proposed to repay the company for the money so borrowed, and the interest and charges for the time, as other borrowers did: that they begun to borrow the money before they had a certainty of laying it out, and the same was generally paid into Mr. Robinson's hands, as the properest person, being a broker in Exchange-alley: and, as the examinant then supposed, and was told by the partners, was a man of an easy fortune: that when shares came to be bought, more money was immediately raised by the same method, for the former reason of having money ready;

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but, as it has since appeared, a succeeding sum was necessary to be had, before the first parcel could be paid for, because Robinson made away with the money as soon as it came into his hands: that it not being thought proper (to prevent suspicion) to lodge the shares so purchased or paid in upon, with the examinant, but the much greater part with Mr. Robinson, he had them transferred into the names of several persons, supposed to be his friends, and transferred from them to the persons from whom he borrowed money upon them; and so the shares in a great measure were locked up, unknown to the rest of the partners: that when they came to know it, one chief reason of their not resenting it, appears since, to be on account of the great balances due to him upon separate accounts, from sir Archibald Grant, Burroughs, and Squire. By these, and several other methods, Robinson run himself into a vast debt before the shares took a rise, after the enlargement, and that there were buyers for any quantities at high prices, which they depended upon for the payment of their debt: that this put the partners into a consternation, and they too late found themselves, ruined, or obliged to support Robinson, in hopes of something turning out in their favour to enable them to make good the loss: that being unwilling to submit, they were ready to attempt any thing, and that led them into many schemes and projects: that the great prospect of advantage from several of them was so exaggerated by his projecting friends, viz. Mr. Burroughs, sir Archibald Grant, and Squire, that he flattered himself with intire relief from several of them: that the great prospect of advantage that was to arise from them, being too distant for relief, from a situation of daily fears that the condition they were in would be discovered, and sir Archibald Grant at that time acquainting them with the great discoveries made of lead mines in Scotland, which belonged to sir Robert Sutton and others; it was concerted amongst them, that a sale of those mines should be brought about to the York buildings company, which was hoped would give a rise to their stock: that the partners should become great purchasers of that company's stock that was then very low: that Mr. Squire should be chose into the direction of that company, and sir Archibald Grant and Mr. Burroughs should go to Scotland, to push on their affairs in such a manner, as to shew what might be expected for the future: that all this they brought about, without the examinant's appearing; who had a great deal to do to manage at home, under the load they were burdened with, and to support Robinson who was still running in debt: that they had got near 500,000*l.* York stock, when it took a very considerable rise from 12, 15, 17, and 21, which were the prices they bought at, to 38, and such a spirit in it, that the examinant had heard neutral people say, they had no doubt with them of seeing it much higher: that whilst they were consulting the most prudent way of selling, Robinson (in whom they had put little confidence in this affair, because of his having deceived them before, but had required notes of him for the stock put into his friends names under their own hands, which notes were almost all lodged with the examinant) unknown to the rest of the partners, called upon those persons for the stock, pretending to have lost the notes, and sold it out to a very great value, and sold a great deal more for time which he had not; for none of which he ever accounted to the partners: that thus he cut their throats a second time, whilst they were satisfying themselves with the prospect of paying every one what they owed as their share to the company; and though Robinson has often heard them say in company (as the examinant really believes it was their resolution, as it certainly was his) to pay the company every sixpence they had in the world to lessen Robinson's debt.

That the Petition of the City of London came upon the back of this, which increased their expence, and forced them to take the part Robinson and the examinant did.

That the examinant imputes one other great cause of the misfortune of the partnership to their having separate concerns in those very things in which they had a joint concern; and this was so remarkable in the partnership in Corporation shares, that the examinant too late convinced them all, that if it had been otherwise when the shares took a considerable rise, they should have disposed of all that had been bought on the joint account, that were not in Robinson's hands, at such high prices, that they should have very much lessened the balance to the company.

That when they became so largely concerned in York stock, determined not to split upon the same rock, the examinant then set forth their situation to them, and with much difficulty convinced them of

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their error. Every one believing he had got the largest separate concern, and the stock rising every day, they grew jealous of one another; but the examinant proposing that what they had separately, should be discovered, and brought to the joint account at the price of the day; and that upon honour they never should buy or sell but upon the joint account; they all agreed to it, and the examinant believes observed it, except Robinson.

That besides the purchasing the shares of the said Corporation and York stock, the said copartnership were engaged in several mines in Scotland and Norway, and had some shares in mines in Scotland worked by means of a charter obtained by sir John Areskine; in all which they employed the money of the Corporation, drawn out of the same by fictitious pledges.

That the account of partnership of four, viz. of Captain Burroughs, Squire, Robinson, and the examinant, was for purchasing Corporation shares, and begun in the month of February, 1727, when sir Archibald Grant was absent in Scotland, and was afterwards kept a secret from him: that this distinct account was at the motion of Mr. Squire, who alledged, that sir Archibald Grant (being absent in a time of great difficulty, wherein they had been at great pains and trouble to prevent a petition intended to be presented by the city of London to parliament against the Corporation) ought not to have an equal proportion with them of the shares bought, since he was not obliged to stand to the profit or loss that might accrue upon them, as they were obliged to do by writings they entered into: but the examinant further said, that all the shares bought during sir Archibald's absence, were not for the account of four; for there were several parcels which sir Archibald knew of, bought for the account of five; and that, to the best of his remembrance, they were likewise bought with the Corporation's money.

That sir Archibald Grant was concerned in the partnership of five, which includes the concern in York stock, and many other things, as well as the Corporation shares; and that he is largely indebted to the examinant upon the balance of accounts: that sir Archibald knew from the first, of Mr. Robinson's having the company's money, which he had before the partners began to buy shares: that the reason for Robinson's having it at that time was a large debt due to him from sir Archibald Grant, another from captain Burroughs, and a third from Mr. Squire; and which, as the examinant hath since learnt, was what they had lost in stock-jobbing, or the greatest part of it: that sir Archibald Grant had all along a private account with the examinant, and before he was concerned in the Corporation was indebted to him for a very large sum, which was liquidated by a mortgage of sir William Gordon's, upon an estate in Scotland, made over to the examinant's father, who advanced the money upon it; and that after the examinant engaged in the company's service, sir Archibald's private account again ran very high, and a great balance was for years against him: that this account, though in his books it stands as balanced in June or July, before the examinant went away, yet it was really done but ten or fourteen days before; and though sir Archibald gave the examinant at that time several real securities towards balancing the account, yet some part of it is collusive; for that sir Archibald has credit for a great deal more than the examinant really received, in order to bring the accounts near a balance; and he is not charged at all with some articles: that this is the only account, as the examinant can remember, that is made up in this manner: that the examinant has a separate account with sir Archibald only of mines in Wales, which cost about 220*l.*

That captain Burroughs was one concerned from the beginning in all the transactions of 4 and 5: that he knew of Mr. Robinson's account; that he had a large account with the examinant in particular; that he borrowed a sum of money of the company upon plate, tapestry, and other things, which he at that time shewed him; but they remained to his use, and he gave the examinant a note to deliver them upon demand. That he also pledged medals in gold and silver for 200*l.* which were of more than that value, and the examinant delivered the same to him a little before he went away, without the money.

That Mr. Squire was one concerned in the partnership of four and five, and a promoter of the first irregular step he remembers was taken in the Corporation, in conjunction with himself, Woolley, and Warren. That he was the person that applied to the examinant oftener than any of the others, for supplying of Robinson from time to time with monies. That he took more pains to keep every body in

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temper than any of the rest; gave closer attendance; signed most of the notes: but the examinant believes will, upon casting up the accounts, be less indebted than any of them.

That George Robinson was concerned in the partnership of 4 and 5, and was certainly the bane of sir Archibald Grant, Burroughs, and Squire, before they were concerned in any transactions that were irregular in the Charitable Corporation. That he had been before concerned with them, either separately or jointly, in other stocks, upon which there was a very great loss; and they not having money to answer the same, were indebted each of them to him for a very great balance; which the examinant alledged he knew nothing of, till they, in conjunction with him, had taken the resolution to borrow the company's money, to make an advantage of it; and that he believes their separate concerns with him, and their being so much indebted to him, was their reason for engaging along with him, and not their opinion of his ability or integrity, which each of them owned to him, though too late; in particular Mr. Burroughs and Mr. Squire, who often declared to the examinant, that they believed Robinson had imposed on them from the beginning, as he had done before on one who was treasurer for the hawkers and pedlars, whom Robinson had ruined. That to quiet the examinant, Robinson used frequently to make up accounts of debts due to him, and effects, which he had to answer all his balance, and made such asseverations of the truth of them, that if the examinant and the rest of the partners had not experienced his want of truth, honour, and honesty, they must have given credit to them: that but some few weeks before the examinant and Robinson went away, Robinson pretended to raise 100,000*l.* to divert the shock which then threatened them: the principal article in the account he gave the examinant, was 40,000*l.* value Robinson said he had in copper, and chiefly at the mills called Temple Mills; that the examinant being very desirous to get possession of it, went down with him to see it, where he had the assurance to shew the examinant copper dross for Barbary copper, and insisted upon it; but the examinant seeing real copper there to the value of several thousand pounds, he desired to have that for the present; but he never could get it into his possession. That Robinson, as the examinant is informed, and verily believes, has advanced more money upon those works than all the effects are worth: and that although sir Thomas Mackworth, who was concerned with Robinson in the said works, pretends otherwise, the examinant will be able to make the contrary so far appear, as to secure the said works and effects to the Charitable Corporation, which will be worth to them 20,000*l.*: that the large balance of cash, appearing by the examinant's books to be due from Robinson to him, is true: that the said Robinson is answerable for a great number of shares and York stock; but the examinant cannot as yet set forth the particulars of either: that the examinant several times brought things to an extremity with him, and refused to give him any more money, or create notes upon pledges of renewals, to support him, which the examinant had often done before. Robinson then applied to the rest of the partners, and they have all come to him upon such applications, to beg him to go on, as something might turn out in their favour; for to stop, would be their certain ruin. That upon Robinson's imposing that deceit upon them, by selling the York stock without their knowledge, the examinant would not see him for some time, and then declared he would submit to his fate, and make a discovery. The partners were all at much pains to reconcile them, and at last brought them together at Pontac's in an evening; and upon Robinson's promising to account for the said stock, and do several other things the examinant required of him, he was reconciled to him; but Robinson never performed his promise; nor does the examinant believe he ever intended it, if he could.

The Examinant being asked concerning the dividends, said, That the dividends were always declared after the books were cast up, though not always balanced; and that supposing all the pledges entered in the said books to be real, the examinant believes the interest and charges appearing to be due thereon, justified the dividend declared; but that he does not remember that the state of the pledges was ever laid before the general court, and that the balance account was never produced but twice to the general court, though such an account was always made. That not one gentleman of the direction of the Corporation ever appeared to him to understand the books of the company so far as to have been able of themselves to examine and balance them, except Mr. Burroughs.

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The Examinant being asked concerning Sir Robert Sutton's transactions in the Charitable Corporation, said, That though he was not, at the time that the company obtained the enlargement of their capital to 800,000*l.* so free or intimate with sir Robert Sutton, as to know from him, what hopes he had for obtaining the said enlargement, yet, to the best of his remembrance, in the end of March, or the beginning of April, 1728, captain Burroughs told the Examinant, as from sir Robert Sutton, that sir Robert Sutton had a promise of an enlargement; that he recollected this from particular circumstances of purchases they then made of shares; and that sir Robert Sutton bought shares likewise at the same time, which were put into the name of Mr. Matthew Lamb; and that he had likewise his option given him from Burroughs of taking 250 shares out of several parcels bought for the account of four at a low price; but sir Robert never talked of these till towards the latter end of June, when the Examinant did understand and believe they were possessed of the licence, and that the shares were then accordingly delivered to him by George Robinson. That though the examinant does not recollect that he had any certain notice given him by sir Robert Sutton of their having had the licence then in their custody; but, on the contrary, the examinant believes, he, the examinant, might avoid insinuating any thing of it to him; for that sir Robert Sutton, sir Archibald Grant, and captain Burroughs only were supposed to know it; but the examinant very well remembers, that sir Robert Sutton knew he was set upon by sir John Meres at this time to purchase shares of him; because sir Robert has, as often as he saw him, asked him about his success; and when the examinant had had success, he was desired by the partners to acquaint sir Robert with it, and that he might have 200 shares at one time as his proportion of those he had so purchased, and 200 at another time; and the examinant further said sir Robert had a third time 200 from the said copartners; but he believes that might be in his absence when he was abroad: and the examinant said, that he does recollect, that the licence was from the first of these transactions in their possession: That the examinant likewise remembers that the said licence was kept a secret for a very considerable time, from a circumstance of Mr. Burroughs's writing to sir John Meres, that the said licence was obtained, who sent him back in answer, that he had received an express from Hampton Court half an hour before the said letter came: That the partners were very merry with sir John Meres's answer, whose pride would not permit him to declare his ignorance of what had passed, though he had sustained a great loss by parting with his shares: That Burroughs durst not have concealed the licence without sir Robert Sutton's leave: That the examinant can't apprehend from whom he should receive advice of the licence being granted for increasing their capital to 600,000*l.* but from sir Robert Sutton; and he believes he did receive it from him, and orders to go to Windsor for it: That the examinant did go to Windsor and receive it from Mr. Tilson; and when he returned, he gave the same to sir Robert Sutton; and that for some time nobody who was concerned in the Corporation knew of it, except Mr. Tilson, from whom he received it, sir Robert Sutton, the examinant, Mr. Squire, and Robinson, whom he acquainted with it: That he is very sure Mr. Squire was not concerned in soliciting the getting the said licence, and sir Archibald Grant and Mr. Burroughs were then in Scotland.

That sir Robert Sutton has often asked him if the money could be lent out so fast as it was paid in; the examinant informed him it might, but never told him what was lent out; and sir Robert never knew to the contrary but that the same was lent out; and that upon the enlargement for 300,000*l.* more to their capital, not above one third part was paid in.

That being asked upon whose application the licences were obtained, the examinant said the licence in 1728, as he understood, was obtained by sir Robert Sutton, and application was made in his name by Mr. Burroughs: That sir Robert Sutton and Mr. George Tilson (who was then become a large proprietor) joined with sir Robert in obtaining the last licence; and the reason why the examinant believes Mr. Tilson to be concerned, was, that the examinant went to Windsor and had the same from him.

Being asked if he did not use to be at the meetings which were had by the directors at the time their affairs were before the Parliament, the examinant said, he never was, for he was employed in procuring witnesses, who had received benefit from the Corporation.

That being asked, Whether he was pre-

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sent at the King's Arms tavern, at any consultation, what books of the Corporation were proper to be laid before the House of Commons, in pursuance of an order of that House, pending the petition from the city of London; the examinant said, that when the order of the House of Commons was served, he was not present at the King's Arms tavern, or elsewhere; neither did he ever hear of any direction being given to secrete books; but has heard the same gave the directors a great deal of pain; and that Mr. Burroughs was of opinion to deliver one book for another; but sir Archibald Grant was, as he heard, for sending all the books of orders, and the book of dividends, which, if the same had been laid before the House, the Corporation at that time would have been broke up.

Being asked, when the City's Petition came into the House of Commons, how many of the directors knew the circumstances the Corporation was in;

The Examinant said, not one of them, but those in the partnership; but has been told by Squire, that Mr. Molesworth and Mr. Jackson have mentioned it at the board, to have the warehouses inspected; and Mr. Torriano, about half a year before the city petitioned the House of Commons, mentioned the same thing to the examinant, that he was dissatisfied, and would have a review made of the company's warehouses; and Mr. Bond has insinuated the same to him, but said he did not understand much of the Corporation's books; but for the satisfaction of the proprietors, it was necessary the warehouses should be looked over; that himself was satisfied, but the persons he was endeavouring to bring in, would not.

Being asked, if some of the directors had not paid in upon their calls by means of fictitious certificates;

The Examinant said, not any of the directors had, but those who were in the partnership.

That being asked, what money, and to whom the same was given for obtaining the licences;

The Examinant said, that he did not know of any money being given for obtaining them, except that Mr. Burroughs charged 300*l.* for fees, and soliciting the enlargement to 300,000*l.* and informed the examinant he should charge the same for the last.

Being asked, if any money was given to members of either House of Parliament for favours to the Corporation;

The Examinant said, that he does not know of any money given to members for favours, or of money or shares to members, whilst the city petition was under the consideration of parliament, or since; or of any stock or shares transferred on that account: that what shares were sold at that time, was at the market price; and does not remember he ever heard it talked of, that it would be an advantage to the Corporation to transfer stock to any person, or heard of any person having made application for a gratuity for services done them, or any complaint made of that nature: that there were not more than two members became proprietors at that time, and shares were then sold at *5l. 5s. 5l.* 10*s.* and 6*l.* per share.

Being asked concerning what premiums had been given for money borrowed on Corporation shares or notes;

The Examinant said, that Warren and others allowed a premium of 3, 4, and 5 per cent. per annum at the beginning to such persons as lent money on Corporation notes, both before and after Mr. Jones's contract, and all along 1, 2, and 3 per cent. and that not 100 in 1,000 was procured cheaper, besides his commission, for which he always exacted 1*l.* per cent. and never less to the best of his knowledge, though it was borrowed but often for three months: that the examinant has now the following claims upon him, for money borrowed upon shares by the persons hereafter mentioned, viz.

	£.	Shares
Gervas Handley	1,300	on 260
James Pym	1,000	130
Mary Shepherd	1,500	300
John Gregory	500	200
Thomas Flowerdewe	2,200	550
Thomas Milner	2,200	750
William Collier	700	164
Thomas Milner for Mrs. Smith	2,000	500
Alice Forth	300	190
J. Puget for the Dutchess of Kendal	5,040	1,120
Ed. Turner of Gray's Inn	5,000	1,430
Edward Gilburne	500	125
Charles Nelson	650	160
Thomas Hotchkiss	300	65
Thomas Milner	2,500	714
Richard Loving	300	200
	25,990	6,858

That the before-mentioned persons, except two or three, have received premiums

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of him before; and that the premiums he paid upon shares were never less than two or three per cent. per ann. and the same were paid by several others from the beginning, particularly Mr. Robinson, sir Archibald Grant, and Mr. Burroughs, to a very great amount.

The Examinant said, That he borrowed 2,000*l.* of Mr. Mann, for which he paid him a premium of 2 per cent. and deposited in his hands a bond of Blackwood and Cathcart for the like sum, with interest at 5*l.* per cent. and, as a collateral security, gave him his own bond for that sum.

Being asked, if he had heard Mr. Mann threaten Mr. Robinson to take out an extent against him;

The Examinant said, That he was present when Mr. Mann threatened George Robinson to take out an extent against him for a considerable sum of money, (about the time the City Petition was presented to parliament) though he knew Robinson was indebted a large balance to the Corporation, he having been at the board the day before, when the account between Robinson and the Corporation was laid before them; and the examinant is positive Robinson was not able to balance his account with Mr. Mann, and what security he got for the same the examinant knows not.

Being asked, who was privy to Robinson's and the examinant's going away;

The Examinant said, That some few days before he went away, and believes it was the Friday evening before he left London, (which he did the Tuesday evening after) he met sir Archibald Grant, captain Burroughs, and Mr. Squire, by appointment made with them, at the Rose tavern without Temple Bar; and when he came to the said tavern, he found them all three there; and after a great deal of conversation, wherein was set forth the future advantages that might arise to them from things they were possessed of, particularly from York buildings stock, and mines in Scotland and Norway, provided they could be maintained to be their right, until the storm which threatened the partnership was blown over; that they engaged that all their lives they would divide the last shilling with him: that all this passed in conversation, and a great deal more, which the examinant could not recollect, without ever any of them directly mentioning the necessity of his going abroad: that Mr. Squire and Mr. Burroughs left the room, and sir Archibald Grant told him, that they had thought it the best way for him to discharge them one by one verbally, to which no person should be witness, that they might be at liberty to swear, that they were not indebted to him; and that none of them would advise him to go abroad, that they might swear they never had advised it, nor was in any concert about the same: that upon his asking sir Archibald the properest place to retire to, sir Archibald said, if he was in his place he would go to Russia, having a brother established there: that the examinant discharged him verbally in the manner desired, and he left the room, and Mr. Squire and Mr. Burroughs came in one after another, and the examinant did the same by them, expressing the several things they were jointly concerned in: that when they came all together again they did not observe the same caution, for sir Archibald advised the examinant to take a proper care of his papers, and Mr. Burroughs advised him to burn all, as they must afterwards depend upon one another's honour. After this the examinant begun to run into a detail of the cause of the misfortune, and cast reflections upon them, by which the examinant was in a passion, and left them, without taking leave or bidding them adieu: that the Tuesday following Richard Woolley (being acquainted by Mr. Squire of the examinant's resolution to go abroad) called upon the examinant at the office upon Lawrence Pountney Hill, the day he left London, and there received a verbal discharge, in the manner the others had done; and, as a consideration for the same, he, to the best of this examinant's remembrance, paid him a shilling.

Richard Bosworth (clerk to George Robinson) being examined in the most solemn manner, said, that Edward Turner of Grays Inn, esq. lent some time ago 10,000*l.* South Sea stock to his master George Robinson, for which 10,000*l.* Charitable Corporation notes were deposited in the said Turner's hands, which, on a contract agreed upon, were to be returned to Robinson; and at the same time a premium of 1 per cent. was given to Mr. Turner when the said stock was lent: that Thomas Warren negotiated almost all the notes that passed between Turner and Robinson, and Mr. Turner was not willing to transact any thing without him: that if the said notes were made for six months, or upon fresh notes or renewals, the 1 per

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cent. premium was first deducted, and notes have been renewed three or four times; and has often heard his master say, that Warren had 1 per cent. commission for all notes negociated by him.

Thomas Hodgson (clerk to George Robinson) being examined in the most solemn manner, said, that an account between John Thomson and George Robinson was examined by him and Thomas Leafe, but was taken from him before the same was balanced: and further said, that he remembers Mr. Warren has borrowed money for Mr. Robinson of Edward Turner, esq. of Grays Inn, and others, on Corporation notes, and he was allowed a premium of 1*l.* per cent. besides the interest of 5 per cent. which the notes carried (exclusive of Warren's commission) and the premium used to be deducted on borrowing the same; and that several others, whom the examinant could not remember, had premiums; and it never appeared to him, that greater premiums were given; and if the persons kept the notes the twelve months, upon renewal, the 1 per cent. was allowed. And he further said, that he had drawn out sundry accounts between Mr. Robinson and Mr. Robert Mann, and is positive Mr. Mann had 1 per cent. premium allowed on the notes which Robinson borrowed money on; but what was allowed on shares the examinant knows not, he having never made a balance to any general accounts: and also the examinant has frequently drawn notes, in the nature of contracts, between Mr. Mann and Robinson, promising the repayment of money with interest, upon returning the securities lodged with the said Mr. Mann. And he further said, that there had been several negotiations of shares at a high price between Robinson and Mann, and Robinson has bought shares at a high price, and given his note to take them at a future time, which note carried interest, though the security was in Mr. Mann's hands.

And the Examinant said, that several of the notes Mr. Mann had from Robinson, have been paid away by him at Chelsea, and directed by Mr. Roger Gathorne (Mr. Mann's clerk) to Robinson in Lombard street for present payment, with interest thereon, which have come to Robinson before the same were due; but believes when Mr. Mann took the notes, Robinson used to give him his own note to pay them at three or six months, as the same was agreed on between them.

That being asked, if Mr. Mann had not threatened to take out an extent against Robinson,

The Examinant said, that about ten or twelve months before Robinson went away, Mr. Mann came to Robinson's house in Lombard street, and asked if he was at home; the examinant informed him he was not; Mr. Mann asked, what Robinson meant by it, for he had promised to pay him 3 or 4,000*l.* and that if he had not the same in a few days, he would take out an extent against him; and the examinant by that apprehended the same was public money.

Mr. Roger Gathorne (clerk to Mr. Mann, as paymaster of Chelsea hospital) being examined in the most solemn manner, said, that he had paid away Corporation notes to the amount of 3 or 4,000*l.* to persons who buy the pensioners money; but never paid them away till near due, and underwrit them to George Robinson in Lombard street for payment; and they were as current as money at that time, and never had but one brought back, which was about the time that Robinson failed: the examinant wrote to the man who had the note, to go to the Corporation for payment; and if they did not pay it, to bring the same to him: the person brought the note, and he paid it.

Sir Archibald Grant, baronet, being examined in the most solemn manner, said, the premiums he paid for money borrowed on shares were 7 per cent, which were deducted when the money was lent; and upon continuing them for a farther time, he paid the same.

Being asked, to whom he had paid premiums; said, to col. Westall; to whom he is now indebted about 2,000*l.* and does not know of any others.

Mr. John Venables, accomptant to the Charitable Corporation, being examined in the most solemn manner, said, that he was appointed accomptant in July, 1731: that some time before Michaelmas then next, he was told by Wainwright, (who had formerly been accomptant) that he was to make out an account half yearly of the interest due on pledges standing out, in order to make a dividend.

That he did make up such an account according to the instructions Wainwright had given him (as he apprehended) and thereby calculated interest on all pledges, after the rate of 10*l.* per cent. to the 1st

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of April 1731. That, from the said 1st of April, 1731, he calculated interest on the pledges above 500*l.* at 6*l.* per cent.; from 100*l.* to 500*l.* at 7*l.* per cent.; from 20*l.* to 100*l.* at 8*l.* per cent.; and all under 20*l.* at 10*l.* per cent.; and that he brought the account to Spring Garden, in order to lay before the Committee. That the General Court and Committee being up before he arrived, and seeing captain Molesworth and Mr. Beake in Spring Garden, shewed them the above account, and declared to them his apprehensions, that the said account was not to be depended on, for that he had calculated interest for above 3,000*l.* which was in Thomson's hands on account of sales, and had been so some years; and also understood that Thomson had above 6,000*l.* in his hands on former sales, which, not being brought to account in the Corporation books, he had carried on the interest as standing out; and also that near one-third of the capital was now standing out at 6*l.* per cent.; and that, if the dividend was 6*l.* per cent., the company would be no gainer by that money. That the said gentlemen seemed thereupon surprised, and captain Molesworth desired the examinant to make an estimate against the next day of the amount of the pledges above 500*l.* which he did. That the next morning before ten, sir Robert Sutton and captain Molesworth came to the house in the city; that sir Robert went immediately to Thomson, and the examinant has heard, and believes, that Thomson, though sick, was brought before the Committee, and that he was ordered to make up his account of sales: That Thomson, against the next committee day, did prepare such an account, and laid before them; and captain Molesworth brought the account to the examinant, and afterwards fetched Thomson into his office, who thereupon declared, that he owed the company nothing, for that he had accounted for the sales by redemptions, and so paid interest for all the money to the time of payment; and that the company were no losers: but owned it was irregular, and promised it should be so no more. That the first committee day after such general court, the examinant was told by the Committee, that he had mistaken his instructions, for that it was never intended, that pledges made before the 1st of April, 1731, should be included in the above calculation, but only such as were made since. That as the Parliament was inclinable to settle the rates, so they would allow to the borrower 2*l.* per cent. on all pledges in general above 20*l.* and that all pledges before the 1st of April, 1731, above 20*l.* should be cast up at 8*l.* per cent. That he altered the account according to the above Resolution, and believes that sir Robert Sutton's and Mr. Molesworth's earnestness was the reason of Thomson's going off.

Mr. Jeremiah Wainwright, being examined in the most solemn manner, said, That he was appointed cashier in the month of June, 1731, in the room of Mr. William Tench, deceased; that he apprehends the Corporation never divided more than the real profits, supposing all the pledges to be good: But the Committee have sometimes declared the dividend before the account has been made out; and that he, when accomptant, used to make up an account half yearly from the pledge books of the interest and charges due on pledges standing out, which was necessary in order to compute the dividend; and that the duty of his office, when accomptant, was to keep the transfer books, stock ledgers, pledge books, make out the dividend warrants, and when the proprietors paid in upon their shares, to give them credit in the stock ledgers, and a general ledger. That the examinant computed interest on about 6,000*l.* in Thomson's hands on account of the two last sales, which had never regularly been brought to account: And the examinant and Mr. Venables designed to take an opportunity to acquaint captain Molesworth of the large sum of money in Thomson's hands, which he had received on account of sales.

That he used to compute the interest on pledges and notes for the half yearly dividend, and carried it to the Committee; and, to the best of his knowledge, the total sum of interest and charges on unredeemed pledges and notes not due, were not entered in any book.

Captain William Burroughs being examined in the most solemn manner, said, That he was not certain to a month when he received the licence in 1728, but remembers he produced the same at the Board the next general meeting; and is positive he never shewed it to sir Robert Sutton; and believes he was abroad when the examinant received the same: That it was known to a great many gentlemen when they obtained it, and believes most of the proprietors knew of the application for the same.

Your Committee observe, That by the

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account stated, and said to be balanced in June, 1731, between sir Archibald Grant and John Thomson, the balance appears to be 437*l.* 4*s.* 6¼*d.* But by another account made up by the said Thomson, and laid before your Committee to make good his assertion, that the former account was collusive; the balance due to him appears to be 16,358*l.* 11*s.* 1¼*d.*

That it appears to your Committee by an account laid before them by Mr. John Harrison, that the total of goods that have ever been pledged at their house in London to the 16th of October 1731, was 994,688*l.* 18*s.* 1*d.* of which it appears, by the note book and general ledger of the said Corporation, that there had been issued notes on the said pledges, signed by the cashier, to the amount of 618,451*l.* 16*s.*; and that there had been received for principal money on part of the said pledges by redemptions and sales 598,628*l.* 6*s.* 4¼*d.* And that there has been paid for discharging the principal of part of the said notes 518,469*l.* 6*s.* So that there remains due for principal money lent 396,060*l.* 11*s.* 8¼*d.* And there is remaining due on the said notes principal money 99,982*l.* besides 44,000*l.* bonds exchanged for notes due: That to answer the said sum of 396,060*l.* 11*s.* 8¼*d.* before-mentioned, and interest, the goods pledged in the warehouses belonging to the said house, did not, on the 16th of October, 1731, exceed 40,000*l.*: so that there must have been lent on fictitious pledges 356,060*l.* 11*s.* 8¼*d.*

Your Committee observe, that of the Committee chosen the 25th of October, 1725, sir Robert Sutton, Dennis Bond, esq., and Archibald Grant, esq. (now sir Archibald) continued to act to the end: And that William Burroughs, esq. succeeded Joseph Gascoigne, esq. the 5th of May 1726; and that sir Thomas Mackworth, bart. succeeded sir Fisher Tench; and Robert Mann, esq. succeeded William Oaker, esq. the 22nd of December 1726; and that the said William Oaker succeeded sir Thomas Mackworth, the 22nd of Dec. 1727; and that William Aislabie, esq. succeeded the said William Oaker; and the honourable Walter Molesworth, esq. succeeded sir John Meres the 23rd of December 1729.

Your Committee have now gone through the several matters referred to them, and lay this their final Report before the House.

Resolutions thereon.] After the reading of the said Report, the House came to the following Resolutions:

1. "That it appears to this House, That many notorious breaches of trust have been committed, and many indirect and fraudulent practices carried on, for some years last past, by persons concerned in the direction and management of the Charitable Corporation for relief of industrious Poor, by assisting them with small sums, upon pledges, at legal interest.

2. "That sir Robert Sutton, knight of the bath, one of the Committee for managing the affairs of the said Corporation, has been guilty of a neglect of duty in the management of the affairs of the said Corporation.

3. "That sir Archibald Grant, bart., one other of the said Committee, has been guilty of many notorious breaches of trust, and many indirect and fraudulent practices in the management of the affairs of the said Corporation.

4. "That Dennis Bond, esq., one other of the said Committee, has been guilty of a neglect of duty in the management of the affairs of the said Corporation.

5. "That William Burroughs, esq. one other of the said Committee, has been guilty of many notorious breaches of trust, and many indirect and fraudulent practices, in the management of the affairs of the said Corporation.

6. "That William Squire, one of the assistants for managing the affairs of the said Corporation, is guilty of many notorious breaches of trust, and many indirect and fraudulent practices in the management of the affairs of the said Corporation.

7. "That George Robinson, late circulating cashier to the said Corporation, has been guilty of many notorious breaches of trust, and many indirect and fraudulent practices, in the management of the affairs of the said Corporation.

8. "That John Thomson, late warehouse-keeper to the said Corporation, has been guilty of many notorious breaches of trust, and many indirect and fraudulent practices, in the management of the affairs of the said Corporation.

9. "That Richard Wolley, broker, and assistant to the said John Thomson, has been guilty of many indirect and fraudulent practices, in relation to the affairs of the said Corporation.

10. "That Thomas Warren, broker, and assistant to the said John Thomson,

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has been guilty of many indirect and fraudulent practices, in relation to the affairs of the said Corporation."

DEBATE *in the Commons concerning a Bill to prevent the infamous* PRACTICE OF STOCKJOBBING.] April 30. An engrossed Bill, 'To prevent the infamous practice of 'Stockjobbing,' was read the third time, and a motion being made, That the Bill do pass; the same was opposed by

Mr. *Glanville*, who stood up, and spoke as follows:

Mr. Speaker;—There is, in my opinion, a very great hardship to be put, by the Bill now before us, upon the proprietors of the public funds. As the law now stands, a gentleman may sell his estate, a merchant or tradesman may sell his goods, every man may dispose of his property by a bargain for time, or in whatever manner he pleases: but by this Bill the creditors of the public, those who have put their trust in the public faith, are to be laid under a particular restraint; a restraint which they were no way subject to when they lent their money to the public; and from henceforth they must not dispose of their property, but in the particular manner by this Bill prescribed.

I am, Sir, as great an enemy to stockjobbing as any gentleman in this House, and for preventing that pernicious practice I shall be glad to join in any measures, which are not destructive to public credit, and injurious to private persons, with respect to the free use of their property: but, as I think the measures proposed by this Bill will certainly be destructive of the one, and injurious to the other, therefore I cannot let it pass, without taking the liberty of offering my objections against it.

It is in all cases a great hardship put upon people, to subject them to penalties, which may often by meer ignorance be incurred: but in this case, the hardship is the greater, because there are many proprietors of the public funds, particularly women, who cannot be presumed to be readers of acts of parliament: they put an entire confidence in their brokers, and, if the broker happens to neglect some of the forms prescribed, the most innocent persons may be brought under great penalties. Nay, I may say, that if this Bill passes into a law, it will always be in the power of two or three brokers, to subject those that employ them to the severe penalties to be enacted by this Bill; for if two brokers should combine together, and enter in their books a bargain for time, as made between two of their correspondents, they might easily get a third person to combine with them, and to inform against the presumed buyer and seller; the brokers books sworn to by the brokers, whom they usually employed, would be a strong proof against them; and thus two innocent men might be brought to suffer severely for an agreement, which had never entered into either of their heads.

It often happens, Sir, that a gentleman, who foresees that he shall have use for his money in three or four months time, is well satisfied with the price his stock then bears; he cannot then sell out his stock for ready money, because he does not know what to do with his money in the mean time: but as the law now stands, he may take advantage of the then current price of stock, he may sell it out at that price, or perhaps at an advanced price to be delivered only when he knows he shall have occasion for the money; this he acquaints his broker of, and the broker may probably find him out a man who likes the then current price, and expects money to be thrown into his hands in three or four months, which he resolves to employ in that fund: in this case the buying and selling for time is convenient for both, and it is not to be questioned, but that many are encouraged to become purchasers of stock upon this very account; therefore the forbidding of any such agreement for the future, will not only prove to be an inconvenience to many, who are now possessed of stock, but will prevent some people becoming purchasers, which, of consequence, will do harm to the public credit of the nation.

It is well known, Sir, that the chief support of the credit of our public funds is owing to the ready access people have, at all times, to the money they have there lodged: but this ready access will, by this bill, be made very precarious to all those, who shall hereafter be obliged to sell at once all the property they have in any particular fund: for, if the purchaser should fail to comply with his agreement, the seller cannot, upon the transfer-day, compound the difference with him, and sell out his stock to another, in order to raise the money he has immediate use for: no, he must sue the man he sells to, and for that end he must make a transfer of his stock, which transfer must stand upon the books during the whole continuance of the

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suit; he cannot in the mean time sell his stock to another, for if he did so, he would not be able to shew at the trial, that he had made a specifical performance on his part, and consequently he would certainly be nonsuited, and obliged to pay costs. This, Sir, will be a most intolerable grievance upon all the proprietors of our public funds, and will make many of them resolve to turn their money to some other use.

I must be of opinion, that the making a law to prevent men's coming to an amicable composition of any difference that may be between them, seems to me something extraordinary. This will be such a discouragement, that no man, I believe, will chuse to become a purchaser of any of our funds, when he knows that he cannot afterwards sell out his stock, without exposing himself to the danger of being involved in a law suit, to which he is by law expressly prohibited to put any end by an amicable agreement: and if a purchaser should, by any disappointment, be disabled to comply with the purchase he had made, but was willing to pay down, in ready money, the difference, which might not, perhaps, amount to five pounds, it would be very hard to oblige him to stand out a law suit to the very last, which would cost him, at least, treble that money.

That clause, Sir, of obliging a man to answer upon oath, in a case where great penalties may be incurred, seems likewise to me to be a very new and a very extraordinary sort of clause; for it is no way consonant to the spirit of our laws, to oblige any man to accuse himself: and as it lays a foundation for every person, that is inclined to be malicious, to bring a Bill in Chancery against any man, who is or ever was possessed of any of the public funds; it will consequently be a great discouragement to any man's becoming a purchaser, or continuing to be a proprietor of those funds, and will of course tend to the destruction of all public credit.

Another hardship I shall take notice of, is, Sir, that if this Bill passes, no man for the future can employ a merchant to buy or sell stock for him; for if a merchant should be employed and should charge commission for his trouble, he would incur some of the penalties of this Bill; unless he kept a regular book, and fairly entered therein all such transactions, in the same manner as brokers are by this Bill obliged to do.

All these, Sir, are hardships, which I think the creditors of the public ought not to be subjected to, and therefore I cannot give my consent to the passing of this Bill. I would sooner have taken notice of these things, but there happened to be such a noise and disturbance in the House, both upon the second reading of this Bill, and likewise when it was in the Committee, that I could not expect to be heard; and therefore I did not then rise up to say any thing against it.

Mr. Glanville was seconded by Mr. Bowles; and backed by

Sir *George Caswall*, as follows,

Mr. Speaker,—It is evident, that this Bill will be extremely inconvenient to all the proprietors or dealers in any of our public securities: the words of it are so general, that I do not know but that even navy bills, and contracts for furnishing the navy with provisions, will be comprehended; and if they are, the usual way of dealing in such affairs will be entirely prevented, which may be of dangerous consequence to the nation; for it is well known, that those who contract for furnishing the navy with provisions, seldom or never have as much money of their own, as is sufficient for making good the contracts they enter into. It is usual for a man who has not perhaps 10,000*l.* of his own, to contract for furnishing the navy, with 40,000*l.* worth of provisions; and in such cases the method always hitherto observed is, for the contractor, as soon as he has made such contract, to go to some monied man, who furnishes him with what money he stands in need of, upon his becoming bound for the money advanced with interest from the date; and obliging himself to deliver navy bills, at the price then agreed on, equal to the principal money then advanced, and the interest that shall in the mean time grow due.

These bills, Sir, I look on as public securities, because they are generally every year provided for by parliament; and therefore I take them to be within the general words of this Bill; and as all such bills vary a great deal in their price, insomuch, Sir, that I have known them at 45*l.* per cent. discount, it will for the future be impossible for those, who contract for furnishing the navy with provisions, to enter into any such agreement with any monied man whatever; consequently no man can hereafter contract for furnishing the navy, with more provisions than he can purchase with his own money, which will of course

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make the providing for the navy much more difficult than heretofore. This, Sir, is one very great inconvenience which must arise from this Bill; but there are so many others, that in my opinion, the title of the Bill ought to to be altered, and instead of calling it a Bill for preventing the scandalous practice of stock-jobbing, it ought to be called a Bill for the destroying of public credit.

Sir *John Barnard* stood up in favour of the Bill, and said,

Mr. Speaker;—I did not offer, Sir, to rise up sooner, because as we are now upon the third reading of this Bill, against which there were few or no objections made in any part of its progress through this House, I was willing to hear all the objections that were to be made against it, before I rose up to answer; that I might thereby give you as little trouble as possible. I am indeed, surprized to hear any gentleman say, that there was upon any occasson such a noise in the House that he could not be heard: it is true, when a Bill is passing, which is throught to be a Bill of course, there are but few gentlemen give great attention to it; and upon such occasions, when gentlemen are not otherwise employed, they will fall a talking with one another, which must of course occasion some little noise in the House: but every gentleman knows, that upon any such occasion, whoever inclines to speak to the Bill in hand, may rise up and call to the chair. It is then the duty of the chair to order silence, and then the House will become attentive to the gentleman who is to speak. This is the method of proceeding in this House; and this, Sir, you have always taken a proper care to see punctually observed.

I wish, Sir, with all my heart, that the gentlemen had made their objections to this Bill, when it was before the Committee; for then it might have been made to their own liking, if it be possible to make any such Bill to their liking. When any Bill is brought into this House, it is usual for all gentlemen, who have a mind that some Bill of that nature should pass, to make their objections to the parts of it they find fault with, either upon the second reading, or upon its being committed; because, that if their objections be well founded, such amendments may be then made to the Bill, as may obviate all objections that can be reasonably made against it: but when gentlemen have no mind that any Bill of that nature should pass, it is well known that they reserve all their objections to the very last, in order to throw out the Bill upon its third reading. For this reason I must, Sir, have some suspicion, that those gentlemen, who now begin to make their objections against the Bill we have at present before us, have no mind that any such Bill should pass, as would effectually put an end to the practice of stock jobbing.

I find, Sir, it is granted upon all hands, that the practice of stock jobbing is pernicious to the trade, and to the people of this nation: this then is an evil that ought to be remedied, if possible; and by the Bill now before us, we are, at least we propose, to remedy this evil. Now, Sir, in all such cases, it is certain that no remedy can be proposed, but what will be attended with some inconveniences, and therefore we are to consider on which side the balance lies; whether the inconveniences, designed to be remedied by the law proposed, are more considerable than the inconveniences that may be occasioned thereby; or if the last be more considerable than the first? If we judge that the first are the most considerable, we are surely to pass the Bill notwithstanding those inconveniences that may be occasioned thereby: if we judge that the last are the most considerable, we are to throw out the Bill; and rather continue under the former evil than subject ourselves to a greater. This, Sir, is certainly the proper rule to judge by in the present case, and therefore by this rule let the Bill now before us be tried.

The many bad consequences of stock jobbing are, I believe, well known; and that it is high time to put an end to that infamous practice, is, what I hope, most gentlemen in this House are convinced of. It is a lottery, or rather a gaming house, publicly set up in the middle of the city of London, by which the heads of our merchants and tradesmen are turned from getting a livelihood or an estate, by the honest means of industry and frugality; and are enticed to become gamesters by the hopes of getting an estate at once. It is, Sir, not only a lottery, but a lottery of the very worst sort; because it is always in the power of the principal managers to bestow the benefit tickets as they have a mind. It is but lately since, by the arts and practices of stock jobbing, the East-India stock was run up to 200*l.* per cent. and in a little time after it tumbled down again below 150*l.*; several millions were lost and won

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by this single job, and many poor men were undone; so bare-faced were some men at that time, in the infamous practice of stock jobbing, that, after that stock began to fall, they sold it cheaper for time than for ready money; which no man would have done, unless he had been made acquainted with the secret which came afterwards to be unfolded, but was then known to a very few.

We know, Sir, how apt mankind are in their own nature to become gamesters; but to this game of stock jobbing, our merchants, tradesmen, and shop-keepers are prompted not only by their own inclinations, but also by some of their acquaintance, who have taken up the trade of being brokers in Exchange-Alley. It is natural for men to endeavour to make the most of the business they pursue; and where there are such a number of brokers, we may believe that some of them do endeavour to persuade all those of their acquaintance to become stock jobbers. The broker comes perhaps to the merchant, and talks to him of the many fatigues and dangers, the great trouble and the small profits, that are in the way of trade; and after having done all he can to put the man out of conceit with his own business, which is often too easily effected, he then tells him, that if he will allow him to dig for him in the rich mine of Exchange-Alley, he may get more for him in a day than he could get by his trade in a twelvemonth. Thus the merchant is persuaded; he engages, he goes on for some time, but never knows what he is doing till he is quite undone; his just creditors are surprized; what, say they, this man had a good stock to begin with, he has had a good trade for several years, he never lived extravagantly, what is become of his effects and money? they enquire, they search into his affairs, and at last perhaps they find out, that the whole was gamed away by his broker in Exchange-Alley.

This, Sir, may, for what I know, increase public credit for a time; but I am sure it is a great discouragement to trade, which is the chief, the only solid support of public credit, and it is the ruin of all private credit; it destroys that mutual faith among merchants, by which only our trade can be made to prosper and flourish. This, Sir, is a domestic evil; an evil which, though fatal in its consequences, yet does not perhaps immediately draw any money out of the nation; but there is a foreign evil attending the game of stock jobbing, by which the nation may be plundered of great sums of money at once. It is, by the means of stock jobbing, always in the power of every foreign court, to raise contributions upon this nation whenever they please; they have no more to do but to send over, and order a great deal of stock to be sold out at the current price for time, then raise an alarm of the Pretender, or some such alarm, by which they may make all our public funds fall perhaps 20*l.* per cent. and so purchase stock 20*l.* per cent. cheaper than they sold in order to perform their part of the contracts they had before made for time. Thus, Sir, they may make a harvest of the fall of our public funds; and as they know best when the alarm will blow over, they may make a new harvest of their rise.

These, Sir, are but a few of the many inconveniences that arise by stock jobbing. Give me leave now to examine those inconveniences which, it is pretended, will be occasioned by the passing of this Bill into a law. As to the real and honest creditors of the public, I have as great a regard for that faith, which ought to be preserved towards them, as any gentleman whatever: I shall never be for doing any thing that may lessen their security, as to the payment either of their principal or interest, and I wish that every gentleman in this House were of the same mind. But can it be said, that the making such regulations, as the public good requires for the transferring of their property from one to another, is any impeachment of the public faith? The preventing of stock-jobbing is so far from being a breach of public faith, that I am sure it is what all the honest creditors of the public wish and desire; and as there is nothing in the Bill that can be a hardship upon any fair purchaser or seller, it will be so far from being destructive to public credit, that it will rather increase it; because it will make the value of every man's property in the public funds more certain and invariable. All those, who have no other aim but to receive their dividends punctually, and to have their principal money secure, choose to be in that fund which is subject to the fewest and least mutations; and this is the reason that we always see the annuity-funds bear a higher price in proportion than any of our trading-stocks.

To say, that no penalty ought to be inflicted on a practice that is found to be inconsistent with the public good, because persons ignorant of the law may thereby suffer, seems to me, Sir, to be a very odd pretence. I hope gentlemen will, in all

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other cases, be as careful of inflicting penalties upon the subject; it is indeed what ought never to be done but in cases of the utmost necessity: but where the advancement of the public good, or the security of private property, can be come at in no other way, it must be done; and every man is obliged to know the law, or to apply himself to those that do. In the present case, no man can by ignorance subject himself to the penalties proposed by this Bill, without some dishonest intent; for I am convinced, that no man ever did, or ever will either buy or sell stock for time, unless he knows more, or at least thinks he knows more, about that stock than the man to whom he sells, or from whom he buys; which intention is certainly not very fair, though, when it is not extended too far, it may be necessary to overlook it in the way of commerce.

This, Sir, leads me to consider the pretended convenience of bargains in stock for time. Suppose a gentleman finds he must sell out his stock three months hence; suppose another expects money in three months time, which he intends to lay out on the purchase of stock; I believe neither the one will purchase, nor the other sell till that time comes, unless he knows, or thinks he knows, some secret relating to that stock which other people are not aware of; for if he that is to sell expects no variation in the value of his property, why should he sell till he has occasion for his money? But granting that he is so much satisfied with the then current price, that he absolutely resolves to sell at that very time, may he not sell for ready money, and lodge his money in the bank till he has occasion for it, since no man can pretend but that his money is as secure when lodged in the bank, as it can be in any of our public funds? And as to the buyer, I am sure no wise man will venture to purchase stock till he has the money at command; unless he does it in expectation that the stock will rise, which is downright gaming, and what is intended by this Bill to be prevented.

As to a man's being obliged to answer upon oath to any bill filed against him, it can be no hardship; because whoever does so answer, and fairly discovers the agreement made, is free from all penalties; he becomes liable to nothing but to return the money which he received; and as the law now stands, whoever receives money to another's use, is obliged to answer upon oath, and will be obliged to return the money he confesses so to have received.

To pretend, Sir, that by this Bill men may be subjected to great penalties, by the perjury and conspiracy of two or three brokers, is another objection for which there is no foundation; for against perjuries and conspiracies there can be no guard but that of a fair trial by an honest jury; by such a trial any such conspiracy might probably be discovered; it would be almost impossible for three rogues to concert their story so together, but that the conspiracy would be discovered by examining them apart, and cross-questioning each, in the manner usual at all trials; so that this too is nothing but an imaginary evil, and is as strong an objection against every penal law, that ever was or ever can be enacted, as it is against the Bill before us.

There is nothing in this Bill, Sir, that can oblige any man to go to law, either as plaintiff or defendant, contrary to his inclinations, or that can prevent his making up any difference there may be between him and another; for though the buyer of the stock may not perhaps be able to pay for the stock he had bought, because of some disappointment he has in the mean time met with, yet it is not to be presumed, that he will not be able to pay the difference in ready money; and if he can pay that in ready money at the books, cannot he immediately sell out the stock to another at the then current price; and thereby raise the rest of the money, which he may order to be delivered to the man who sold to him? May not every bargain be thus specifically performed, if the parties are inclined so to do? In this the only inconvenience is, that there must be a double transfer, which is performed with so little trouble or expence, that, I hope, it will be no way regarded in the present debate: and as it may be supposed, that, if this Bill passes into a law, there will be few or no purchasers, but such as are able to perform it the time they purchase; therefore, the other objection of the seller's being obliged to keep his stock till the end of a tedious law-suit, is of no weight; for as every purchaser will be able, and will probably be willing to perform his part of the agreement, it is not to be presumed, that there will be any law-suits upon that head.

I am really surprized, Sir, to hear gentlemen talk of their being, by this Bill, prevented from employing a merchant or friend to buy or sell stock for them; such

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gentlemen do not, it seems, know that commission and brokerage are two different articles: if a merchant is employed to buy or sell stock for another, he may either do it himself, or he may employ a broker; if he employs a broker, he charges both brokerage and commission, and if he does it himself he charges only commission: in neither case does he act as a broker, nor will he be obliged to keep any book for that purpose.

I have now, Sir, gone through all the material objections I have heard made against the Bill. I hope I have shewn that there is no weight in any of them; I hope I have shewn that all the inconveniences, which are pretended to arise from this Bill, are imaginary; and I think, I have shewn very real inconveniencies arising from the infamous practice of stockjobbing; and every gentleman in the House may suggest to himself a great many more. We ought to consider that no bad custom or practice ever crept into any nation, but what some people got by; and, let the practice be as pernicious as it will, we may presume that those who get by it, will endeavour to raise objections against every effectual remedy that can be offered; but as no gentleman in this House can be any way concerned in the gettings by stock jobbing, so, I hope, they will not allow themselves to be misled by any frivolous objections started, without doors, by those who are.

Mr. *Brooksbank* stood up next, and spoke against the Bill as follows:

Mr. Speaker;—I doubt not but there was a great deal of money lost and won by the late sudden rise and fall of East India stock, and I am persuaded that a great many of those, who became purchasers upon the rise of that stock, were such as never intended to hold the stock for the sake of the dividend, but that they were such as bought only with a view of making an advantage, by selling it out again at an advanced price: this, it is true, is a sort of gaming, but it is of such a sort as cannot be entirely prevented, even by the Bill now before us; so that in such a case no great benefit can be expected by the Bill, and in many cases it will certainly be attended with great inconveniences. I shall mention only two; the first of which is that of the Long Annuities: it often happens that in the sale of such public securities, the seller must deduce his title in the same manner, as if he were to sell a land-estate; so that it will be impossible for him to compleat the conveyance in ten days, which is the time limited in this Bill; and therefore I am of opinion, that the sale of such annuities will, in many cases, become impracticable, if this Bill should pass into a law.

It is certain, Sir, that the merchants may sell goods to be delivered at any time the contractors shall agree on: I know that in the Russian trade it is usual for the merchants concerned in that trade, to enter into contracts to deliver hemp at a certain price, at a certain future time, though, perhaps, at the time of making the contract, the hemp is not so much as purchased or contracted for in Russia: this is a privilege which is enjoyed by all merchants with respect to the goods they deal in, and I can see no reason why the proprietors of our public funds should not enjoy the same privilege.

The other inconvenience I shall mention, is, that of the disappointments which some of the public creditors may meet with in the sale of their properties, which will certainly be much aggravated by this Bill: suppose a man enters into an agreement for the purchase of a land estate, and covenants to pay the price against such a day under a great penalty; for enabling him to perform his agreement he sells out 10,000*l.* of his stock, to be delivered some few days before that day on which he is, by his covenant, obliged to pay for his estate: suppose the purchaser of the stock does not come to accept of the stock, or to pay the price; as the law now stands, the seller of the stock may make a tender of his stock at the books, and may sell it out next transfer-day at the risk of the buyer, by which he is enabled to pay for his estate, and he may recover from the purchaser of his stock, what he lost by his not accepting and paying for the stock according to agreement; but if this Bill passes into a law, the seller of stock must, I presume, keep his stock, till the end of the law-suit between him and the buyer, in order that he may be always ready to make a specifical performance; by which means, if he has no other fund for raising ready money, he must subject himself to the penalty of his covenant as to the purchase of the estate. As these are inconveniencies which may often occur, I think it is hard to subject the proprietors of the public funds to them; and therefore I shall be against the Bill's passing in the form it is at present.

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Sir *Robert Walpole*, spoke next:

Mr. Speaker;—I wish the objections now started against the passing of this Bill, had been mentioned either upon the second reading, or in the Committee. I do really think that the Bill might have been drawn up, as to some parts of it, with something more perspicuity, so as to have intirely obviated the objections now made to it: but as most of the objections now made are founded upon mistakes, as to the meaning and intention of the Bill, I am therefore of opinion, that they ought not to be of weight enough to prevent its passing.

As to what the honourable gentleman was pleased to mention about navy-contracts, I cannot think that they come any way under the case now before us. The navy always contracted to pay ready money to all those who agree to furnish them with any stores or provisions; and after a man has entered into such a contract, he may certainly sell, or assign any interest, or any share of the interest he has therein, to another, notwithstanding the Bill now before us. Upon such contracts the money is indeed generally paid by navy-bills, but that cannot hinder the private contractor to raise money upon his contract after what manner he pleases; he may even oblige himself to deliver navy-bills at such a price; for, before they are issued, they cannot be deemed to be public securities; and if, upon delivering the stores and provisions, the navy should actually pay ready money to the private contractor, can it be so much as pretended, that he would be then obliged to deliver navy-bills to the person, from whom he had borrowed money upon his contract with the navy: would not, in such a case, the repayment of the money borrowed with interest be a full performance of his engagement with the lender? Navy-bills, indeed, after they are once issued, do certainly become public securities, and then they are to be bought and sold in the manner prescribed by this Bill, which can no way injure public credit.

As to the objection against compounding, or voluntarily receiving any difference I cannot think, that the laws, as to the performance on the seller's part, is any way altered by this Bill. He is not by this Bill obliged to keep the stock sold in his possession, any longer than he was before; he may certainly perform upon his part by a tender of the stock, in the same manner as he could have done before; he may then sell out his stock, and he may bring his action against the buyer for not performing his part of the contract, upon which action he will recover the difference by way of damages.

Indeed, that objection relating to the Long Annuities has something more in it, and therefore, I wish it had been provided against by some words, or some clause in the Bill; but it is a case that will happen but seldom, and the difficulty may be, by proper management and dispatch, in all cases surmounted, and therefore I do not think it sufficient for throwing out the Bill; for the practice of stock-jobbing has been so prejudicial to this nation, that no trivial objection ought to take place against a Bill by which, I think, that practice will be prevented for the future.

I have, Sir, long wished for some such Bill: every one knows, how even the administration has been some times distressed by the practices of stock jobbers: they have correspondents settled at all the courts of Europe, and upon all occasions of moment they have their expresses, who make much greater dispatch than the government's expresses can do, because they are generally much better paid, and better appointed for that purpose.

I must say, Sir, that the late practices in the East-India stock were really something surprising; there might perhaps be some, who upon its rise bought only with a view of selling out again at an advanced price; but I am persuaded there were others, who bought even at the highest price with an honest intention, and without any other view but that of holding the stock they bought, and taking their dividends, as they should become due. The price of that stock, and of every other stock, must always be according to the value of money at that time, and the dividend made, or that may probably be made upon the stock: at that time our 4*l.* per cent. were selling at a premium, even our 3*l.* per cent. were selling at very near par; and therefore we must conclude, that according to the value of money at that time, an annuity of 4*l.* per cent. was very well worth 100*l.* principal money. That Company had divided eight per cent. for many years; they but just before paid 200,000*l.* to the government for a prolongation of their term; and at the same time they had declared they were able to do all this, and likewise to pay off 4 or 500,000*l.* of their bonds, out of the profits of their trade: from all which, those who were not in the deepest secret of their affairs, had very

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good reason to conclude, that they would have been able to have continued the same dividend for many years to come, and that therefore 100*l.* East India stock was a cheap purchase when bought even for 200*l.* The resolution was soon after taken for diminishing their dividend, and that was as natural a reason for the fall of their stock as their former declarations had been for its rise. What were the motives for this management I shall not pretend to determine; but I am afraid, that the game of stock-jobbing is often the cause of managements in that, and all other public funds: if we destroy the cause, the effects must cease; and of consequence the price of all public stocks will become more certain and fixed, which will, I am sure, make them more valuable to all honest purchasers. The fluctuating of the price can be no advantage to any but brokers, and to those who have a mind to make indirect advantages by stock jobbing; those practices will, I think, be prevented by this Bill; consequently it will tend to the improvement of public credit, and therefore I shall be for its passing.

Lord *Hervey* spoke against the Bill:

Mr. Speaker;—In the debate now before us, I cannot agree with my honourable friend over the way. I must be of opinion, that if this Bill passes, no seller can sue for any difference upon the stock sold, nor can he recover damage, which I take to be the same with difference, unless he has the stock in his possession the whole time of the suit: by this Bill every bargain is to be specifially performed, and therefore the seller, as I take it, must sue only for a specifical performance, which no seller can pretend to sue for, unless he is, at all times, during the continuance of the suit, in a condition and ready to perform specifically upon his part, for which end he must always have of that stock which he has sold, at least as much as he is obliged to deliver to the buyer; and therefore, if a man has sold all the share he has in any public fund, in order to enable him to perform his part of an agreement about something else, if the buyer does not come to take the stock, and pay the price, the seller must subject himself to the penalty of his other agreement, or he must give up all pretences for recovering any thing from the buyer of his stock, either by way of difference or damages. This will be a great hardship upon all stockholders, and as they will, by this Bill, be subjected to a great many other inconveniences, and to several dangerous and heavy penalties, I shall therefore be against its passing.

Sir *William Yonge* spoke next for the Bill:

Mr. Speaker;—In the case now before us, I take it to be of no consequence, whether or no the seller can recover either difference or damages, and therefore, whether or no they be in effect the same is no material question. I am very well convinced, that no circumstances can ever lay a man under the necessity of selling or buying for time; no man can so much as have an inclination that way, unless he be endued with something of the spirit of gaming, or unless he knows a secret, by which he thinks he can make an unjust advantage of the person he sells to, or purchases from; and therefore, Sir, I look upon the putting a final end to this practice to be one of the principal aims of this Bill. I really, Sir, must say, that I have not heard one material objection offered against this Bill, and as I was one of those appointed to bring it in, I can say, that all possible care was taken to make the words as plain, and the terms as easy, as were consistent with putting an effectual end to the evil against which the Bill was originally proposed. However, as the Bill is to go to the other House, I do not know but some few words may be added or altered, in order to obviate, as much as possible, all objections that have been or may be made to the Bill.

Sir *John Barnard* spoke again:

Sir;—It is very certain that Long Annuities are included in this Bill; they must not be bought or sold hereafter but according to the manner perscribed by this Bill: but I am certain this can be no objection to the passing of it; for no wise man, no honest man, will presume to sell any thing until he has made his title to it as clear as the nature of the thing can admit of; and therefore I think, that no possessor of a Long Annuity will presume to sell until after he has deduced his title, and made it so clear, that no difficulty can be made in approving of it, in which case all such bargains may be specifically performed within ten days after the making thereof; but if any accidental delay should in the mean time happen, the parties may, by mutual consent, put off the specifical performance for what time they please; there is nothing

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in this Bill that can prevent such a mutual indulgence.

I did not before take notice of the objection made, that this Bill, if it passes, may be the occasion of the bringing many suits in equity against the possessors of our public funds. This, I must say, I am surprized at. What guard has any man, as the law now stands, against Chancery suits? May not any man now bring a Bill in equity against me, and set forth, that I owe him a large sum of money, though I never had any dealings with the man in my life? Such a Bill may certainly be brought, but I know what would be the fate of it; I know it would be dismissed with costs: this is my dependence, I know I have never done any thing that may render me liable to the having of such a Bill brought against me, and therefore I depend on it that no such Bill will ever be brought. And would it not be the same if the Bill now before us should pass? Is it to be supposed, that any man would subject himself to the immediate expence of ten or twelve pounds, and the danger of being obliged to pay twenty or thirty more, unless he had very strong proofs against the man whom he made defendant to his Bill? This, Sir, is really putting cases almost impossible, in order from thence to raise objections against a Bill, for the remedy of what is, by every gentleman in this House acknowledged to be, a most insufferable evil.

Mr. *Glanville* stood up again, and said;

Sir;—I must observe, that the possessor of a long annuity, who has a mind to sell, may think his title as clear as the sun at noon-day, and yet when he comes to shew it to the purchaser he may find several objections; in such case it must be laid before the purchaser's counsel, he must examine all the title-deeds, and a conveyance must be drawn up and settled by counsel, both for the seller and buyer; and this will be admitted, I believe, not to be practicable in ten days, so that I must still be of opinion, that the sale of such public securities will, by this Bill, be made very dangerous and difficult, if not altogether impossible.

As to Bills in equity, it is certain that no man will ever file such a Bill unless he expects some discovery by the defendant's answer. As the law now stands, no man can expect any discovery from a man with whom he never had any transactions; but by the Bill now before us, every man will have some encouragement to expect a discovery of something he may make an advantage of by the defendant's answer, if such defendant ever was a dealer in any of our public funds; because, if he ever made a contract contrary to the terms of this Bill, he will be obliged to discover it by his answer, and though he may be thereby discharged from the penalty, yet the other party contracting with him is not; so that the person who files the bill, may thereby make an advantage, either by recovering the money received by the defendant upon an unlawful contract, or by grounding an information upon that answer for recovering a penalty from the other party concerned in such unlawful contract or composition; and therefore, I think, it is evident, that if this Bill passes, the proprietors of the public funds will be more liable to have Bills in equity preferred against them than any other persons in the kingdom are.

I shall conclude, Sir, with taking notice of one case where people are often obliged to sell before they can be ready to deliver, and that is in the case of executors and trustees, where the trust-stock must generally be sold by a Bill in Chancery. In such cases, according to the practice now observed, they must sell before they bring their Bill, because the purchaser is always made a party to the suit; and every man knows that a chancery suit cannot be begun and ended, and the bargain specifically performed in ten days time.

Mr. *Bootle* spoke next:

Sir;—I rise up only to rectify some mistakes that I find gentlemen seem to be in, with respect to the present practice of the law. According to the present practice, no man that sells stock is obliged to keep his stock for any time after the day, on which he contracted to deliver it: if the buyer do not come on that day to accept the stock, and pay the price he agreed to give for it, the seller makes publication at the books for him to come and accept, and pay for the stock which he is then ready to deliver according to his contract: then an actual transfer is made upon the books, and that transfer stands until the shutting up of the books for that day; if, in that time, the buyer do not come to accept of, and pay for the stock so transferred, the transfer is then cancelled; and upon next transfer-day the seller may sell his stock to whomsoever he pleases at the current price of that day; and if he sells it

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at a loss, he has an action upon a breach of covenant against the buyer, upon which action he always recovers the difference by way of damages. The publication and transfer, made at the books upon the day agreed on and proved duly in court, is always taken for a specifical performance on the part of the seller; and the buyer has no title to come, at any time after that day, to demand a new specifical performance. This is the present practice in all such cases, and I am sure there is nothing in the Bill now before us which can alter the present practice in that respect; and therefore I must conclude, that as to this case, no stockholder can be brought under any difficulty or hardship by the Bill now before us.

With respect, Sir, to the Long Annuities, why may not they be sold as land-estates generally are? In the sale of land-estates, when the seller finds out one who is willing to be the purchaser, the first thing he does is to satisfy him about the title, before they so much as talk about the price, or examine particularly into the value of the estate to be sold. If this method be observed with respect to the sale of Long Annuities, it cannot be said, but that the agreement may be specifically performed by both parties, within ten days after making the same.

As to the sale of stock vested in executors or trustees, there is no necessity of selling it before the Bill in Chancery be filed; there is no necessity of selling it before a decree passes for that purpose: it may be suggested in the Bill, that such a man is willing to become a purchaser, and he may be made a party to the suit, as well as if he had actually become a purchaser; the effect would be the same, and he would get his costs in the one case as well as in the other.

And as to Stockholders being exposed to the danger of having Bills in Chancery filed frequently against them, there is nothing in it; no fair dealer in stocks can ever be exposed to such a danger, for whoever files such a Bill must set forth the unlawful contract particularly; we are not to imagine, that, from any clause in this Bill, a man will be allowed to bring in a bill in equity, and suggest generally that the defendant has made some unlawful contracts in stocks, and pray that he may be obliged to discover all his dealings; no, the plaintiff must certainly set forth the particular contract of which he prays a discovery; and this he cannot do, unless there has not only been some such unlawful contract, but such an unlawful contract as he has had some information of; and if upon the issue of the cause his information appears to be groundless, he may expect to be made pay all costs of suit; so that no man can have reason to be afraid of any such bills being filed against him, unless he has actually made some unlawful contract; and that no such man should rest in security is the very design of this Bill.

In short, Sir, from all the objections that have been started, and all the cases that have been put, I can see nothing but pretended or imaginary difficulties; and as the Bill now before us will, in my opinion, put an end to many real evils, which are of the most dangerous consequence both to the trade and credit of this nation, therefore I shall with all my heart be for its passing in this House, and I hope it will be passed into a law.

The Bill against Stock-jobbing passes the Commons: but is dropped by the Lords.] Then the question being put, That the Bill do pass, it was carried in the affirmative by 55 against 49; and was sent up to the Lords, who made so many alterations therein, that it was afterwards dropped.

Debate in the Commons on a Motion for a Lottery of One Million towards the Relief of the Sufferers by the Charitable Corporation.] May 4. The Commons being in a grand Committee to consider of methods for relief of the Sufferers by the Charitable Corporation, the lord Tyrconnel moved, That a sum not exceeding one million be raised, by way of Lottery, for that purpose. His lordship was opposed by Mr. Sandys; who was answered by sir William Yonge. Hereupon

Mr. *Erle* stood up and said,

Sir;—I am very much for giving all the relief we can to such as are objects of charity, but I am as much against doing it by way of Lottery; for by such a method, in order to relieve those who have been cheated and undone, we shall give a handle, by which a much greater number of weak and simple persons may be undone.

Mr. *Palmer* spoke next:

Sir;—I always was, and always shall be against Lotteries, of whatever kind, or on whatever occasion, and therefore I cannot but be against the proposition now made to us. I shall be glad to see those poor, un-

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happy people relieved, and, and I hope that some effectual methods may be fallen on for procuring that relief; but do not let us think of giving them relief by setting up what has been always deemed a public nuisance; I believe it will be a better way for us to grant a sum of money to the crown, for the relief of those of the Sufferers who are really objects of compassion: this method I mention only to the Committee; but, whatever relief is to be granted, I think it ought to be very much confined, for as to all those who shall appear to have been gamesters in that stock, they no more merit the compassion of the public, than those who are undone at a gaming table. I doubt much if any of the men who became adventurers in that Corporation deserve much compassion; I am afraid, that most of them purchased, either with a view of making an unjust profit by the advanced price of the shares they bought, or with a view to have a higher interest for their money, than what they were by law intitled to, and in either case they are almost as fraudulent as those who were the managers; for he that cheats, or extorts from a man a shilling, is as much guilty of fraud, as he that cheats him out of 1,000*l.* Indeed, as to the ladies, a great many of them may have been innocently drawn in by those, to whom they intrusted the management of their affairs, or by those who, from the beginning, had a formed design of cheating them out of their money: their case is really to be pitied, but in my opinion, of all the Sufferers, they only are the proper objects of compassion, and therefore I hope, that whatever relief is to be given, will be confined to the fair sex only.

Lord *Tyrconnel* replied:

Sir;—I have as great a regard for the fair sex as the gentleman who spoke last, and with him I think, that they are really the greatest objects of compassion; but, Sir, let us consider, that many of those gentlemen, who have been undone, have wives and daughters, and I cannot but look upon the wives and daughters of such men to be at least as great objects of compassion, as any of those ladies who have been undone by their own act and deed.

Sir *Charles Wager* rose and said:

Sir;—I must think, that the only means we can think of for relieving the unhappy Sufferers in that Corporation, is to make a Lottery for their benefit; but I must likewise be of opinion, that a Lottery of a million will be too large; I believe one of 500,000*l.* may be sufficient; and therefore I shall second the motion to the amount of that sum.

Sir *Joseph Jekyll* spoke against the motion as follows:

Sir;—Before we think of granting any money to the crown, or of granting money in any other way, for the relief of those Sufferers, we ought first to consider, whether or no we have any power or authority to tax the people, or to grant away the public money for the relief of any private persons. I must really be of opinion, that we have no such power; we are indeed to dispose of the public money, but then we are to dispose of it for public uses; we are not to convert it either to our own use, or to the use of any private person: It is true, we have sometimes granted money to the king for the rewarding of private persons, but such grants have always been made for some services rendered by those persons to the public; and therefore, what money was in that way granted, was really for the use of the public. Even the raising of money by a Lottery is raising money upon the people, and if any part of the money so raised is granted away to private persons, I must look upon it to be a converting the public money to the use of private persons, which I think we have no power to do; and upon that account, as well as on account of the many inconveniences that attend Lotteries, I must be against the motion.

Mr. *Winnington* spoke next in behalf of the motion:

Sir;—I have always had a great regard for the opinion of the honourable and learned gentleman who spoke last, but I hope he will excuse me, if I say that I do not think the objections he has now made against the proposition in hand, are near so strong as those usually made by him. As to our power of granting money for the relief in question, I do not know what power we may have in that respect; but I am sure there are several instances, where we have granted even a public tax for the relief of private persons. One such instance, Sir, is within my knowledge, and is so late, that every gentleman in this House may remember it; that is, the case of the suitors in chancery, whose money had been lost by the misconduct of the late lord chancellor, and the then

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masters in chancery: it is well known that this House laid a tax upon the law, which I take to be a tax upon the people, because the whole is paid by the clients in that court, and not by the lawyers; and the money to arise by this tax was appropriated towards making good the loss, which the suitors in that court had sustained. Another instance of the same nature is that tax, which was granted for relief of the orphans within the city of London; and I believe several other instances could be given, if we were to examine the Journals of this House.—However, Sir, I do not take this to be the question now before us. It is not proposed to impose any tax, or to grant any money to the crown for the relief of those unhappy sufferers; for I cannot imagine how it can be thought, that the granting a lottery is either a tax or an imposition upon the public. By granting a lottery we do not oblige any man to pay towards it, no man is to be forced to become an adventurer; it is not really so much a grant of money, as it is a repeal in so far of an act of parliament lately made against private lotteries; for, if it were not for that statute, the Charitable Corporation could of themselves set up such a lottery as is now proposed: and as the making of that law was occasioned by the many frauds that were committed by the means of private lotteries, and the downright bites that were often put upon people under that name, the cause entirely ceases with respect to the lottery now proposed, from which no fraud or bite can be so much as suspected.

Sir *William Wyndham* stood up, and said:

Sir;—As to the affair before us, I am afraid we are beginning at the wrong end. We are now in a Committee, to consider of ways and means for relieving such of the sufferers in the Charitable Corporation, as shall be deemed objects of compassion, and we are now going to resolve upon a certain sum to be appropriated for that relief, before we know any thing about the sufferers; whether there be any, or how many of them there be objects of compassion; or what sum will be necessary for giving them a proper relief? All these questions ought, I think, to be resolved, before we proceed to grant any sum for that purpose, either by way of lottery or any other way. I am, Sir, firmly of opinion, that we have no power to lay on any public imposition for the relief of private persons; and to think of giving a relief by way of lottery, is to establish by law a new deceit, for the relief of those who have suffered by an old one. As to our having it in our power to relieve private persons by public taxes, the instances mentioned by the honourable gentleman who spoke last, are not at all to the present case. The suitors in chancery were in a very different situation from those we are now about to relieve: the court of chancery is one of the public courts of the kingdom, and consequently is the same with the public; whatever money was put into the custody of that court, was put into the custody of the public, and if any of it was purloined by those officers who are appointed by the public, there is no question but that the public is obliged to make it good: besides, those who had their money in that court did not voluntarily put it there; they were all obliged, contrary to their inclination, to leave it in that court; they could not get it out again without an order of court for that purpose; they could not so much as inquire in what manner their money was disposed of; whereas, with respect to the sufferers in the Charitable Corporation, they have no pretence of having trusted the public with their money; they voluntarily put their money there; they might have taken it out when they would, and they might have every day inquired into the management of it; so that what they have lost is entirely owing to their own act and deed, or at least to their own neglect; they have nothing but compassion to plead for granting them any relief from the public, and I am afraid, if we consider the public aright, and the loads it already labours under, we must conclude it is not in a proper condition for granting such large charities. That other instance, Sir, relating to the tax for relieving the orphans of the city of London, is still less to the present case; it is a local tax; it extends no farther than the city of London; and it was most reasonable that the citizens of London should be obliged to make good the loss, that was sustained by persons who were under a necessity of trusting their money to them, or at least to the officers appointed by them.—Now as to Lotteries, Sir, the honourable gentleman mistakes it, if he imagines that the frauds committed in private lotteries, was the only reason for prohibiting by an express law the setting up of any such. Every lottery, public or private, is a public nusance, because it makes a great

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many poor unthinking people ruin themselves by venturing more money in that way than their circumstances can admit of; and, as all lotteries are a sort of gaming-tables, they give great encouragement to idleness and extravagance, by buoying up weak people with the hopes of getting riches in another way than that of industry and frugality, which is the only way of getting riches that ought to be encouraged by a wise people; therefore, Sir, the cause of the law does not cease with respect to the lottery now proposed, but will, I believe, grow more strong against it than against any public lottery that ever was proposed; for, considering the expences of management, it is certain that the Corporation, or the sufferers therein, can make little or nothing by a lottery, unless it be made so disadvantageous to the adventurers, that no man but a madman will put any money into it; and if such a lottery should fill, it would be a very powerful argument against this and every such lottery that can be proposed; for it is really granting a licence by act of parliament to cheat people out of their money, which is a sort of project for raising money that this House will never, I hope, agree to in any case whatever.

Lord *Hervey* spoke next in favour of the motion:

Sir;—There is, in my opinion, no possible relief to be given to those unfortunate people, but what must be attended with some inconveniences. I am, in general, as much against encouraging lotteries as any gentleman in this House; but where no real fraud is committed, I cannot think that a lottery is a thing of so bad consequence; where the money thereby raised is duly applied, and no underhand dealings allowed to be put in practice, which, to be sure, will be taken care of in the present case, it cannot be attended with many inconveniences; and as a lottery is the only method which I have yet heard mentioned, or can think of, for giving relief to those objects of compassion we have now under our consideration; I have so much pity for them, that I think the few inconveniencies, that can attend such a small lottery as that of 500,000*l.* ought in the present case to be overlooked.—Upon the petition of the Proprietors of this Corporation, we have all had two things under our consideration. The first was that of doing justice by punishing the guilty; in this we have gone on as we ought to do in all such cases; we have proceeded with the utmost caution; because, if we had been rigorous in that point, we might readily have deviated into severity, which in all cases ought to be carefully avoided; but as to the other point, which is that of giving relief to the unfortunate sufferers, and which is the point now before us, there is no need of so great caution: if in this we should go a little too far, it is erring upon the safe side; the greatest fault we can be guilty of, is that of shewing too much compassion and pity for those innocent persons, who have by the frauds of others become proper objects of compassion.—It cannot, I think, be said, that we are beginning at the wrong end, by voting for a 500,000*l.* lottery, before we know the number of the sufferers that are objects of compassion, or the sum that will be wanted for giving them a proper relief; because, Sir, we are not now to settle the scheme of the lottery: before that is settled there will be time to inquire into what sum will be necessary for giving such relief, and according as that sum is large or small, the lottery may be made the more or the less advantageous for the adventurers; if 100,000*l.* should be found to be necessary for relieving all those of the sufferers who are really objects of compassion, there must be a fifth part of the money contributed by the adventurers sunk for the use of the sufferers; and, if it should be found, that half that sum will be sufficient for the end proposed, then it will not be necessary to sink above one tenth of the money contributed by the adventurers; and whatever is thus sunk by the adventurers, is not really to be looked on as money thrown away, it is to be looked on as so much money given by them for a charitable use; and the raising of this charity by way of lottery, is proposed only as an inducement for some people to contribute towards a charitable use, who would not perhaps otherwise contribute to the most charitable use that can be imagined.

Sir *Joseph Jekyll* spoke again:

Sir:—I am very much convinced, and I find it is generally allowed, that a lottery is in itself a bad thing; and, I think it is likewise allowed, that there is no reason for our coming into such a measure at present, but only the necessity we are under, and because no other means of relief can be thought of. There is no sort of lottery can be set up, but what must expose multitudes of people to be undone; and it is

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impossible to prevent several of those fraudulent practices, which are always set up under the sanction of every public lottery. If then a lottery be in itself a bad thing, surely the less we have of it the better; why should we vote for a lottery of 500,000*l.* if one of 250,000*l.* will do the business? This consideration alone makes it, Sir, in my opinion, necessary first to consider who are objects of compassion, and what sum will be sufficient to relieve them; for if upon such enquiry it be found that a lottery of 250,000*l.* will be sufficient for the end proposed, it would certainly be very wrong in us to vote a lottery of 500,000*l.* for we seem all to be convinced, that a lottery for any sum will do mischief; but a lottery for a small sum can never do so much mischief as one for a larger.

Mr. *Heathcote* spoke next as follows:

Sir;—I must confess that what is now proposed seems to be a new method of raising charity; but I hope the charitable disposition of the people of this nation is not as yet so much decayed, as to make it necessary to trick them into the giving of charity; when they are fully convinced that the use, for which the money is raised, is really charitable, in such cases I have never as yet observed the people backward in their contributions; I am, indeed, afraid that the objects of charity now under our consideration would not meet with any great relief from the people; for the generality of the people do generally think, that those who are undone by any sort of gaming or stockjobbing, are not proper objects of charity. Those who are ruined by shipwrecks, by fire, or such accidents, are certainly much greater objects of charity, and more entitled to a parliamentary relief, than those who ever were or ever can be undone by the management of any public stock whatever; because every proprietor may look into the affairs of the company, and may prevent the mismanagement, if he is but tolerably careful of his own interest; and yet we have never seen any of the former so much as claim a relief from parliament.—I must observe, Sir, that what we are now about may come to be a very bad precedent; it will for the future make all proprietors of public funds less careful of their directors and managers; so that I am afraid, we may have many applications of the same nature. There is now a company under our consideration, which will likewise, I believe, stand in need of the same sort of relief; and I do not know, but that in nine or ten years, another great company may find themselves under a necessity of applying for something of the same nature; especially if they should go on with their present scheme of diminishing so considerably their trading capital, and loading it with all the debts they now owe. For these reasons, Sir, as well as a great many others, I cannot but be against the motion now in hand.

This debate being over, a motion was made, That the chairman leave the chair: but the question being put thereupon, it was carried in the negative by 85 to 61; after which the Committee came to several Resolutions, which upon the report were agreed to; and a Bill brought in for the relief of the sufferers by a lottery of 500,000*l.* which passed into a law.

*The King's Message respecting a Treaty of Marriage between the Princess Royal and the Prince of Orange**.] May 8. The following Message from his Majesty was delivered to both Houses:

"*G.* R.

"His Majesty having received from the prince of Orange proposals for a Treaty of Marriage between the princess royal and the said prince; and his Majesty having been pleased favourably to accept the instances made by the prince; his highness has sent over a minister, instructed and authorised with full powers, to treat of and conclude the Articles of Marriage: his Majesty therefore thought it proper to communicate this important affair to this

* "An event of great importance was now upon the carpet, and came to light this session of parliament. It was with some concern that his Majesty and the queen reflected upon the low state of the Protestant interest, at this time, in Europe. They saw the Dutch wholly engrossed by France, and all the mutual advantages of the alliances between England and Holland in danger of being lost to the Protestant cause, unless such an interest could be raised in Holland, as might counter-balance that of France. Their Majesties, therefore, fixed their eyes upon the Prince of Orange, as a proper match for their eldest daughter the princess royal; and he was encouraged to send over proposals for that purpose, which his Majesty received favourably. He was a young prince of great virtues and great abilities; but his fortune being far inferior to his birth and his spirit, their Majesties shewed the greater magnanimity in postponing that consideration to the public good." Tindal.

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House; and, as he makes no doubt but this Marriage will be to the general satisfaction of all his good subjects, he promises himself the concurrence and assistance of this House, in enabling him to give such a portion to his eldest daughter, as shall be suitable to the present occasion, and may contribute towards supporting with honour and dignity an alliance that will tend so much to the further security of the Protestant succession to the crown of these realms, and to the Protestant interest in Europe."

The Lords' Address of Thanks thereon.] The Lords agreed upon the following Address:

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our most humble thanks, for your most gracious Message; and for your goodness, in acquainting us, that your Majesty has received, from the prince of Orange, proposals for a Treaty of Marriage between the princess royal, your Majesty's eldest daughter, and that prince; and to express, at the same time, the just sense we have of your Majesty's tender care and concern for the interests of your people, and for the farther security of the Protestant succession of the crown of these realms, in having been pleased favourably to receive the instances made by the prince.

"When we consider the many great and signal advantages that these kingdoms have received from a strict union with the house of Orange, it is with pleasure we observe your Majesty's present disposition, to give a princess, so deservedly dear to your Majesty, and esteemed and admired by all your people, to a branch of that house.

"The distinction with which your Majesty is, upon this occasion, graciously disposed to honour his highness the prince of Orange, is a fresh proof of your Majesty's unalterable resolution to preserve to your people those liberties which your late royal predecessor king William the third, of ever glorious memory, came to restore.

"These, Sir, being our sentiments, and, as we persuade ourselves, those of the whole nation; we beg leave humbly to assure your Majesty, that we will readily and chearfully concur in every thing that may contribute to the concluding and perfecting an alliance, that will tend so much to the farther security of the Protestant succession to the crown of these realms, and to the encouragement and support of the Protestant interest in Europe."

The Commons' Address of Thanks thereon.] The Address of the Commons was as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, return your Majesty our most dutiful Thanks for being graciously pleased to communicate to us your royal intentions of concluding a Marriage between the Princess Royal and the Prince of Orange.

"The happy prospect of seeing this alliance entered into, and concluded, with a prince whose family has always distinguished itself in support of the Protestant religion, and in defence of the liberties of Europe, gives us the greatest satisfaction: We remember, with gratitude, the great and infinite benefits procured to this nation by that illustrious House; and we cannot but promise ourselves a further security to the Protestant succession to the crown of these realms, from the renewal of that union which gave birth to, and laid the foundation of, this inestimable blessing.

"And we beg leave to assure your Majesty, that, to demonstrate our duty, zeal, and affection to your Majesty, and to testify the just sense we have of the singular merits, and eminent virtues of the Princess Royal, we will enable your Majesty to give her such a portion, as may conduce to her future happiness, and to the supporting her royal highness with honour and dignity."

REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS ON THE FRAUDS OF THE GOVERNOR AND AGENTS OF THE YORK BUILDINGS COMPANY.] May 10. The Commons took into consideration the Report from the Committee, to whom the Petition of the Proprietors of the Stock of the Governor and Company for raising the Thames Water in York Buildings, assembled in their General Court held at their house in Winchester-street, the 12th of January last.

The Petition set forth, "That, for carrying on the Water-works of the said Company, and for purchasing several forfeited Estates in England and Scotland, as well as for undertaking and managing several mines, and other works and trade in Scotland, for the benefit of the said Company, several hundred thousand pounds were

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raised, and paid in, by the Proprietors of Stock in the said Company; all or the greatest part of which money hath been embezzled and misapplied by the Frauds, and notorious misbehaviour of the present Governor of the said Company, and others, who are, or have been, entrusted with the management of the affairs thereof, and their agents; by which all the Petitioners are become great sufferers, and many of them reduced to the utmost poverty and distress: And that, though the Petitioners have already discovered many of the said Frauds, yet they are unable fully to discover all the persons concerned therein, or to obtain a redress of their grievances, without the assistance of this House; many of the servants and officers of the said Company being so far under the influence of the present Governor, that the Petitioners have not been able to prevail on them to disclose such circumstances of the said Frauds as they are acquainted with; and most of the books of the Corporation, from whence any light might be obtained therein, being either secreted or kept, and made up, on purpose to prevent a discovery: And therefore humbly hoping, That the House, taking into consideration the extraordinary circumstances of their case, and how far credit in general may be affected, if such prodigious embezzlements, and such manifest violations of trust, should go unpunished, will inquire into the state of the said Corporation, and the conduct of those who have, or have had the management of their affairs; and give such relief to the Petitioners as to the House shall seem meet."

The Report of the Committee to whom the said Petition was referred is as follows:

REPORT from the Committee, to whom The PETITION of the PROPRIETORS of the STOCK of the Governor and Company, for raising the Thames Water in YORK BUILDINGS, assembled in their General Court, held at their House in Winchester Street, the 12th day of January 1732, was referred.

The Committee to whom the Petition of the Proprietors of the stock of the Governor and Company for raising the Thames water in York Buildings, assembled in their general court, held at their House in Winchester Street, the 12th day of January 1732, was referred, have with all assiduity attended the evidence brought by the petitioners, in support of their general allegations, but, as that evidence has chiefly proceeded in a minute detail of a great number of facts, tending to prove many mismanagements of various kinds, by those who have successively had the direction of this company for upwards of thirteen years last past; it has drawn out the examination into an excessive length, and is not yet intirely finished; and the collecting and digesting for the information of this House, what has been and shall be offered, must unavoidably take up a considerable time longer. But the session being now far advanced, and the affairs of the company appearing, on a general view, to be in a very confused and ruinous condition; your Committee have agreed to lay a general state of the said affairs before the House at present, so far as they have been enabled to frame one, submitting it to their consideration, whether any thing may be done before the conclusion, of this session, to prevent the further sufferings of many unfortunate members and creditors of the company, and the imminent ruin of a corporation from whom the public has received considerable sums of money: and at the same time your Committee will be pursuing their inquiries into the particular instances of mismanagement insisted on by the Petitioners, and preparing to report the same to the House with all possible diligence.

The Petitioners have led the inquiry of your Committee as far back as the year 1719, in which this community received a very great alteration, both in their form and in their business.

To explain which, it is necessary briefly to take notice of their rise, and progress to that time.

In the 27th year of king Charles the 2d, Ralph Bucknall and Ralph Wayne, gentlemen, obtained a licence under the Great Seal, with the necessary powers, to them, their executors, administrators, and assigns to erect a waterwork near the river of Thames, in and upon part of the ground of York House or York House Garden, being their own ground for the term of ninety-nine years.

By a minute Book of the transactions of these patentees, it appears that they soon divided their property into twelve shares, and on the 6th of July 1688, into forty-eight shares.

In the second and third year of king William and queen Mary, an Act of parliament passed, intituled, An Act for incor-

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porating the proprietors of the waterworks in York Buildings, and for encouraging, carrying on, and settling the said waterworks.

This Act incorporates the part owners or proprietors of the said waterworks, by the name of 'The Governor and Company of Undertakers for raising the Thames 'water in York Buildings,' and enables them to purchase, enjoy, and alien lands, tenements, &c. to use a common seal, and alter it as they shall see expedient; appoints a governor and six of the company to be called assistants, who shall have the direction, handling, ordering, and managing of the said water-houses and waterworks, and of all business, affairs, and things belonging to the said Company; directs, that the said governor and company, or the greater part of them, shall yearly on the 29th day of September, or within three days after, assemble, and elect a governor and six assistants for the year ensuing, who shall take their several oaths for the due execution of their respective offices, with a provision for like elections in cases of death or removal for just cause; and that at every such election to be made, and in the making of any orders or by-laws by the said governor and company, and their successors, for the better ordering and managing their affairs, every person shall have a number of votes according to his share or shares in the said waterworks and water-houses; that is to say, if but one share, then one vote, and if two or more shares, then two or more votes according to his number of shares.

In this form, and under these regulations, the Company remained to the 16th of October 1719, on which day it appears by a minute in the book above mentioned, the old proprietors agreed to sell for the sum of 7,000*l.* their waterworks in York Buildings, with all the appurtenances, rents, and profits, from Michaelmas, preceding to Mr. Case Billingsley, Mr. Benjamin Bradley, Mr. James Bradley, Mr. John Hardwar, Mr. Robert Thompson, and Mr. Edmund Watts; and a deed of contract to this effect was at the same time mutually executed: your Committee have not been able to attain to a sight of this contract; but that it took place in general, appears by the sequel of the company's affairs; and its particular import may be reasonably inferred from the minutes of the next general court, held on the 27th of the same month, in which many orders are made, and particularly the following; viz.

'Ordered and enacted, That this Company, in order to improve their undertaking of raising the Thames water in 'York Buildings, for the better supplying 'the inhabitants of this part of London and 'Westminster, will forthwith lay open a 'subscription at Mercers Hall, for raising a 'joint stock or fund of 1,200,000*l.* for purchasing forfeited and other estates in 'Great Britain, to be a fund for granting 'annuities for life, and for assuring lives.

'That a Committee of thirty-one persons 'be chosen to direct the affairs of the company, for purchasing the forfeited estates 'in Great Britain, to grant annuities for life, 'and to assure lives, upon the best terms 'they can for the benefit and advantage of 'all the subscribers to the said joint stock 'or fund of 1,200,000*l.*

'That the said Committee shall continue 'till Michaelmas 1720, and till others 'shall be chosen in their room by a general 'court of the subscribers.

'That for ever hereafter a Committee 'for managing the said affairs shall be annually chosen for the ensuing year, when a 'governor and six assistants shall be 'chosen; and that the governor and assistants shall always be part of the said 'Committee.

'That whatever the said Committee of 'thirty-one shall lawfully do in purchasing 'forfeited and other estates in Great Britain, in granting annuities for life, and in 'assuring lives, shall be confirmed by the 'governor and assistants, to be held the 'first Thursday in every month, or oftner, if 'they see fit.

'That the grand Committee may choose 'a chairman, as often as they shall think 'fit, in the absence of the governor or his 'deputy.'

The Committee here joined to the governor and assistants subsisted, though often varied in its number, until the 30th day of September 1726, when it was laid aside by the following Order of a General Court:

'Resolved, That all powers and authorities heretofore given to, and now resting in the governor, assistants, and committee of this company, be from henceforth transferred to, and vested in the 'governor and six assistants only; and 'that every matter, clause, and thing, relating to the annual committee of this 'company, contained in any by-laws or 'resolutions of any general court thereof, 'be henceforward repealed, made void, 'and expunged; and that the governor

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'and any two of the assistants, or in the 'governor's absence, any three of the 'assistants may, when met, proceed to 'business; and that all questions in the 'court of assistants be carried by a ma- 'jority of votes present at the time; and in 'all cases of equality, the chairman for 'the time being to have the casting vote.'

The Resolution for raising a joint stock of 1,200,000*l.* for purchasing forfeited and other estates in Great Britain, and granting annuities upon them, was immediately put in execution; and the subscription roll or instrument bears date the same 27th of October 1719; the terms of which are in substance as follows: viz.

Each subscriber shall pay the sum he subscribes, as it shall be called for by general courts; he shall within fourteen days after his subscribing pay in one per cent. upon the whole sum by him subscribed. This upon the whole 1,200,000*l.* would amount to 12,000*l.* and 7,000*l.* of it was to be paid to the old proprietors, according to agreement, for defraying the necessary charges of this undertaking; for fitting up a proper office, for payment of officers and servants salaries and wages, and other incident charges for the first half year; and to satisfy the undertakers of the subscription for their pains and care therein.

Every subscriber shall, upon notice, pay in nine per cent. on the sum by him subscribed, at two payments; viz. Four and a half within two months after the subscription shall be closed; and four and a half per cent. more within four months then next following.

The whole money subscribed shall be the joint stock or fund of the said governor and company, for the purposes aforesaid; the profits to be divided amongst the subscribers by half-yearly dividends, in proportion to their respective stocks.

Each subscriber shall be admitted a member of the said company when the subscriptions shall be closed; and one per cent. shall be paid in as aforesaid.

Every member that shall have in his own name and right 1,000*l.* of the said stock shall have one vote: every member that shall so have 4,000*l.* stock, two votes: every member with 7,000*l.* such stock, three votes; and every member with 10,000*l.* such stock four votes, and no more, in all elections, and on other business in general courts.

For this undertaking, so far as relates to the purchasing forfeited estates, the company had the authority of an act of parliament of the fourth year of his late majesty king George the first, for vesting the forfeited estates in Great Britain and Ireland, in trustees, to be sold for the use of the public; which enables bodies politic and corporate to become purchasers of such estates. But the power of granting annuities was not given them till the session of parliament immediately following their subscription, in an act of the sixth year of his said late majesty's reign, for better explaining the nature of conveyances to be made to the purchasers of the forfeited estates; and for enabling such corporations as shall purchase any of the said estates, to grant annuities not exceeding the yearly value of the said estates.

The original fund which the subscribers severally obliged themselves to furnish towards carrying on their new undertaking, appears thus to have been, 1,200,000*l.*; but in the year 1720 this fund received several additions, to the amount of 59,575*l.* without any authority from a general court, or court of assistants; so that the total of the stock now stands at 1,259,575*l.*

In order to know what money had been paid in, or otherwise advanced upon this nominal capital for the use of the company, what had been expended out of it, and what debts, if any, they had incurred; your committee gave the necessary orders for making up states of these matters to be delivered to them, attested in the most solemn manner; but those states were far from affording the satisfaction wished for, being in many respects defective, and in others uncertain; the cause of which is the great carelessness that has been in the keeping of the books of the company. There is no general leger of their accounts, and it is now perhaps impossible to make one up that may be depended on; the books and other materials from whence it should be collected having been long neglected, of which some especial instances have been shewn to your committee, as follows:

Mr. John Billingsley, who was made secretary and cashier to this company the 16th of October 1719, being examined in the most solemn manner, (as were all the other witnesses produced before your committee,) said, that in the year 1720 there was no regular cash book kept, but after this year a cash book was made up from scattered papers and memorandums, which had not all been in his custody: that he doubts he cannot make up an account with the company, several of his vouchers being lost; and that he never delivered up

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an account to Mr. Ebenezer Burgess, who succeeded him as cashier.

The said Mr. Ebenezer Burgess, being examined, said, that he was cashier from about the end of the year 1720 to the 25th of December 1724; and that he had no ballance brought over to him from Billingsley his predecessor. Being shewn a minute of the court of assistants of the 6th of February 1722, ordering that Mr. Burgess and Mr. Bishop be excused from attending in the treasury for fourteen days, that they might have leizure to settle Mr. Burgess's cash account, which was to be done in that time: the examinant said, his cash account was not finished in these fourteen days, nor in twice fourteen days, and more. Being asked, whether it was finished on the second of May, 1723, when the general court appointed a committee to inspect into the affairs of the company, the answer he gave was, that he could not say when it was finished.

However your Committee find, that the said Mr. Burgess did, on the 16th day of May 1723, lay before the said committee of inspection his cash books brought up to that time; and he continued cashier to the end of the year 1724; after which his accounts lay long open, and were not settled till the 19th of June 1728, as appears by a minute of the court of assistants of that date.

Mr. Stephen Monteage, who has been accomptant to the company since the 16th of February 1721, being examined, said, That all the accounts of the company ought to have come to him, but he could never keep any regular account for want of proper materials: that he kept such accounts as he could, but they are not yet perfect: that he has often asked the secretary and others for materials, and that he has frequently had orders to make up a general account; and thereupon has remonstrated to the governor that he wanted materials, but never had any particular answer: that he believes the governor and assistants knew he could not proceed for want of materials at the very times when they gave him orders to make up the account: that the cash was never posted up; and therefore there was no knowing the particular materials wanting; and they were so dispersed, and in such loose keeping, that he knows not who could help him to them all: that the chief business he had was keeping the stock ledger and the accounts of calls; and they are regular.

As to the charges of the waterworks and other expences, there was only a Cash Account of them.

This Evidence of Monteage's is confirmed by several letters of his found amongst the papers of the company, setting forth to the governor and to the assistants, the difficulties he met with in making up a general ledger, and desiring their directions and assistance.

Sir John Meres, who was governor of this company from the 17th of September 1723 to the 1st of October 1726, in his examination, said, That Monteage often applied to him about making up the accounts, and letters had often passed between him and the examinant to that end; but the affairs of the company in Scotland lying so remote, and the dropping in of the annuities which the company had sold for lives, perplexed matters; and a general ledger could not be made up in his time: that he knows not whether the servants of the company had orders to furnish Monteage with materials for his accounts; but Monteague had twice orders to make them up.

Mr. Richard Birch, accountant for the company's trade to Scotland, granted them by a licence under the great seal the 21st of October 1728, (in which they are strictly required and charged to keep, in a book or books, fair and distinct accounts of all their actings and doings in relation to that trade) being examined, said, That he was appointed to that office about the last of June 1730, and made up his accounts from loose papers and memorandums, delivered to him by the governor and court of assistants: that at the end of the year 1731 or beginning of 1732, he applied to the governor for the accounts of the company's agent in Scotland, for the years 1726, 1727, 1728, and 1729, and the governor told him he believed he had them, but he could not find them; that he was going into Scotland, and would bring up all the accounts completed. That he, this examinant, has several times since renewed his applications for those accounts, but none of them were delivered up to him till the day, or day before he was served with the order of this your committee, to lay before them his books and papers; and then he received of the said accounts only the three first years.

The governor, col. Samuel Horsey, being examined, said, that Birch often asked him for these accounts, but he could not readily find them; and as for that of the year 1729, he knows not what is become

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of it; he has looked over all his papers and cannot find it.

The uncertainty of the Company's Accounts is not to be ascribed solely to negligence; some of it appears to have been by design, an instance of which is an article of 2,400*l.* charged on the company (in their trade journal) in the following words; —" for rewards, gratuities, and presents, to sundry persons for obtaining a charter for the carrying on trade to Scotland, an act of parliament for obtaining a bounty on the Scotch timber, and other services for the company's benefit, by order of a Committee."

This Order is in one of the minute books of the court of assistants (under other minutes of the third of July 1729) signed Samuel Horsey, Benjamin Foxley, and James Wilkinson; the first was governor, the others assistants.

Benjamin Foxley, Esq. William Corbett, Esq. one other assistant at that time, and the governor, being severally examined as to this minute, all agreed, that they were present when it was ordered to be entered; that this was a considerable time after the said 3d of July 1729, Mr. Corbett said a twelvemonth, and that this was a fictitious article designed to cover a deficiency in the cash, occasioned by selling some of the company's stock, at a lower rate than the general court had directed.

Mr. Foxley and Mr. Corbett reckoned the deficiency by the sale of stock at 2,250*l.* only, and could not tell what was become of the remaining 150*l.* to complete the said 2,400*l.*; but Col. Horsey, the governor, reckoned the said deficiency at the whole 2,400*l*; and said no part of this was applied to the purposes expressed in that article.

Mr. Birch, the trade accountant, likewise attests, that he heard the court of assistants express themselves to this effect, at the time when they produced to him the above minute, and ordered him to make the article in his account conformable thereto.

There is also another article in the Trade Journal of 1,000*l.* for expences, presents, &c. with other incident charges, on procuring leases of several mines in Scotland for the company.

Mr. Humphrey Bishop, the cashier, being examined as to this, said, that he verily believes he paid this sum to col. Horsey; he finds not in his book any written order for it; that he had the colonel's verbal order, and the gentleman who examined his accounts allowed of it; that he had particular directions to enter the article in this manner, but can give no account of the disposal of the money.

Mr. Foxly said, That when col. Horsey came from Scotland, he remonstrated to the court of assistants the expences he had been at in the company's affairs, and in three journeys to Scotland, for which he had no allowance; and they then ordered him 1,000*l.* and placed it to the account of trade to Scotland; that he supposes they agreed to the wording the article as it now stands, but the colonel did not tell them of any presents made: col. Horsey in his examination owning the receipt of this 1,000*l.* was asked whom he distributed it to, he said, he did not know that he distributed it to any one; it was paid to him to defray part of his expences, and on that account only: that he knows not how this article came to be worded as it is; he does not remember that he directed Bishop to enter it in that manner; that the money was paid him by an order of the court of assistants but believes that order is not entered in the books; that he apprehends he is accountable for this sum, and took it with an intent of charging himself with it in his account of expences; but owned he does not stand charged with it in the books of the company, nor did he charge himself with it in the account he in December last delivered in to a Committee of inspection appointed by a general court, though in that account he charged himself with 704*l.* 2*s.* received by him for the like expences long after this 1,000*l*; which omission he excused, by saying, that account was not a complete one.

After this view of the loose condition of the company's books, it will not be surprising to find the small satisfaction arising from the following states collected from those books. The first is a state of debts owing by the company, made out and attested by Richard Birch, their trade accountant, where they came out at 170,289*l.* 2*s.* And it is to be observed, that many of them are secured to the creditors by very large deposits or pledges of the company's bonds transferrable by indorsements; some of which having lain some time in creditors hands may have been sold out, and by that means are become demandable of the company for the whole sum they carry, and will increase this debt. Notice is taken in this state, that the balance due to the government for the purchase of part of the late lord Widdrington's estate is not included in it: your Commit-

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tee therefore has hereunto annexed an account of that balance, by Mr. George Turbill, the keeper of the records of the late commissioners for the forfeited estates, amounting for principal and interest to 12,851*l.* 13*s* 11¼*d.* This added to the foregoing sum of 170,289*l.* 2*s.* makes the whole debt which has appeared to your Committee to be 183,140*l.* 15*s.* 11½*d.* towards satisfying of which, the effects that have been shewn are these; the cash in hand; the estates of the company in Scotland, after all incumbrances thereon shall be discharged; an estate in Northumberland, being part of the late Lord Widdrington's; an estate and waterworks within the liberty of the city of Westminster; some iron works and mines which they hold by lease in Scotland, and some timber which they have bought there. In order to see what the Company's cash in hand amounts to, your committee examined into the balance of the cash books such as they are, and find, that when Mr. John Billingsley was dismissed from the business of cashier at the end of the year 1720, there was a balance, due from him to the company, of 27,726*l.* 13*s.* 6*d.*: this has stood against him ever since, is looked upon as a desperate debt, and has not been carried forwards to the succeeding cash books.

The balance which appears in the books of Mr. Bishop the present cashier, is 731*l.* 2*s.* 9*d.* in favour of the company, but he says, that for his discharge of 538*l.* 15*s.* 2*d.* of this, he only waits for the vouchers, which he has not yet been able to get out of the hands of the persons who have them; that 100*l.* more is in the bank, but not in his power to draw out, and the remaining 92*l.* 7*s.* 7*d.* he is answerable for.

Mr. Richard Birch, the trade accountant, has also received and paid several sums separate from the cashier's account, but there is no balance on the cash account, both sides being even.

Thus the company's cash in hand, appears to be 192*l.* 7*s.* 7*d.*

But in these books are contained many payments and receipts to a very large amount, which are upon accounts now open; and whether, when those accounts shall be made up, they will nearly balance each other, or come out in favour of the company, or otherwise, your Committee have had no lights to enable them to judge. As to the Scotch estates, it appears by a rental of them hereunto annexed, that their annual amount is upwards of 10,536*l.* 10*s.* and they are charged with the payment of annuities determinable on lives, to the yearly value of 10,184*l.* 3*s.* 10*d.* which incumbrance will be gradually decreasing as lives fall in; they are also made an additional security for a rent of 3,600*l.* a year, which the company pays for certain lead mines in Scotland, of which they have a lease for 21 years still to come: What the present value of these estates is with these incumbrances upon them, your Committee apprehends to be a matter of doubtful decision, and will not take upon them to make any estimate thereof, but only observe, that by the account it appears, that the net purchase money from the Company for these estates, was 207,091*l.* 14*s.* 1*d.* and there has been received for annuities on one and three lives sold and charged on these estates, 134,122*l.* 15*s.* 0½*d.*

By the same account, the purchase money of the Widdrington estate was 57,100*l.*

The estate and waterworks at Westminster have been testified by Mr. Samuel Orme, one of the officers belonging to the said work, to be of the net annual value of about 1683*l.* 10*s.* 7*d.* and the expence between 1,500*l.* and 1,600*l.* per annum, besides the reservoir, the rents and charges of which he has no knowledge of.

The mines, iron works, and timber in Scotland, are schemes now in their execution, and consequently what may be the gain or loss upon them is yet only matter of opinion; and in this the persons who have appeared before your Committee are widely divided.

By a state of the calls that have already been made it appears, that the proprietors have actually paid in 290,073*l.* 15*s.* 9*d.* of which they have received some part back again, by dividends made out of the real capital, and out of the common nominal stock of the Company.

This is the state of the present general circumstances of the company drawn out, as well as their imperfect books will permit; the mismanagements which the Petitioners complain of, as having been the occasion of some of their losses, will be the subject of a further Report; and there is but one thing more which seems to your Committee to be necessary to be added to this, which is just to take notice of the daily increase there is in their debt, by the great number of actions brought against them by particular creditors, as has been attested by Mr. Richard Banks, their solicitor for law affairs, by which they are on the one hand harassed for debts they owe,

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whilst on the other, they are deprived of the means of knowing and recovering what is due to them, through the bad condition of their accounts, and the difficulties that lie against them in suing one, whom they look upon as their chief debtor, and who happens at this time to be the governor of the Company.

After taking the above Report into consideration, it was ordered, "That leave be given to bring in a Bill for stating and determining the demands of the Corporation of the Governor and Company of Undertakers for raising the Thames water in York-Buildings, their proprietors and creditors, respectively; and for the better securing the effects belonging to the said Corporation."

DEBATE *in the Lords on Lord Bathurst's Motion for an Account of the Product of the South Sea Directors Forfeited Estates in the Year* 1720.] May 3. The House having ordered a Bill from the Commons relating to the Sugar Colonies to be committed; before the House resolved itself into that Committee,

Lord *Bathurst* stood up, and spoke to the following effect; viz.

My Lords;

I have a small motion which I intend to make to this House, and therefore I shall take the opportunity to make it before your lordships enter upon the business of the day. I do not know, my Lords, but that something relating to the South-Sea Company may speedily come before your lordships, and as in such cases we ought always to be well prepared, and fully instructed by having all proper papers laid before us, therefore, I will take the liberty to move to your lordships, That the directors of the South-Sea Company may be ordered to lay before this House, an account how the produce of the Forfeited Estates of the directors of that company in the year 1720,* has been disposed of, and all the orders made in the general courts of that Company relating to the disposal thereof.

* "It must be acknowledged, that the affairs of the South-Sea Company were at this time run into some disorder. The minister was not ignorant of this, and would have shewn his resentment at the directors (which he often did in private) yet he had forborn to testify any public mark of it, for fear of bad consequences to the national credit. They were accused, or rather suspected, of having made unwarrantable dividends which the company was not able to support, and which giving a fallacious value to their stock, had drawn in multitudes to be defrauded. That they had as much money in their hands, as with the sale of four millions of their stock to the bank, and by other means, might have enabled them to have paid off the debt owing to the company of five millions four hundred thousand pounds; and yet, that, by the influence of the minister and his creatures, who were in the direction, they had left great part of their debt, on bonds at interest, unpaid; and that, without knowledge of the proprietors, they had dissipated all the produce of the estates forfeited by the late directors, to the amount of 2,300,000*l.*; and besides that, had brought a new debt of two millions upon the company, to the diminution of the value of the capital of every proprietor's stock, to the prejudice of orphans, and the reversionary heirs of the said estates.

"Other particulars of less importance, were likewise laid to their charge; particularly buying, selling, creating and issuing of bonds, and irregularly employing the company's cash, while the proprietors were forced to pay interest for money borrowed of the bank. At the same time, a bill was actually depending for dividing the capital of the company, three fourths into annuities, and leaving the remaining fourth to be a trading stock, with a large debt and unliquidated demands upon it, which rendered it impossible to ascertain its value; and that, consequently, if the said bill should pass, it might encourage stock jobbing, and be the ruin of thousands.

"The House of Peers had already entered into an enquiry into the management of the company's directors; but the season was now too far advanced to do any thing that was effectual in it. A motion therefore was made, and the question put, "Whether a select committee shall be appointed of twelve lords, to be chosen by ballot, to examine into the transactions and proceedings of the South Sea Company, from the 2d day of February 1720, and to lay their report before the House." It was understood, that this committee was to have power to sit, and proceed in business during the recess of the two Houses, which was now at hand.

"The majority of the House of Peers were of opinion, that it would endanger public credit in the highest degree, to appoint a committee with such dangerous powers as to be able to inspect the books not only of the company, but of all the directors of it, and all who had, or might be supposed to have, any connection with them; and that too, before any complaint of mismanagement had regularly come before them, either from the proprietors, or from a general court, by whom the directors complained of, had been chosen. It was, besides, apprehended, that their proceeding in that manner might give umbrage to another House,

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This Account, my Lords, I now move for, that the present directors of that Company may have time to prepare it, that so the business of the House may not be retarded by the want of such an account, in case upon any emergency we should have occasion for it. In looking over the papers upon our table, I find there is an account laying there of the total amount of those forfeited estates; which account was laid before this House in pursuance of a clause in an act of parliament, by the trustees appointed by the same act of parliament for collecting those estates for the benefit of the company; and accordingly, after the most of those estates were collected, the trustees were ordered by other acts to deliver over the produce of the said estates to the directors of that company, in order to be divided by them among the proprietors, according to the rules prescribed by those acts. This account, therefore, being already upon our table as a charge against the trustees, and the directors of that company, and as we have as yet seen no account of discharge in relation to that money, I think it is necessary, it is even incumbent upon your lordships to call for the same, in order that you may see, and that the rest of the nation may by your means be satisfied, that the terms of the act of parliament have been punctually complied with.

Lord Bathurst was seconded by the earl of Chesterfield; and the lord De la War, who then sat as Speaker of the House in the absence of the Lord Chancellor, having repeated the motion in order to put the question upon it,

The Duke of *Newcastle* stood up, and spoke as follows;

My Lords;—I did not well hear this motion when it was first made by the noble lord, but now that I have heard it repeated, I must say that I cannot find out any reason your lordships have for calling for the account now moved for, at least at this time: There is at present nothing before us relating to that company, nor do I know of any thing that is to be laid before us; there is not I am sure, any lord in this House that can know of any bill to be brought before us any way relating to the affairs of that company; at least there is no lord that can know of such a bill in a way proper for grounding such a motion upon. If there really be any such bill, it is, I think, time enough to call for such an account when the bill is actually brought before us; and the pretence made use of for moving at this time for such an account, I can see no ground for, because if any such bill be brought before us, the directors of that company will always have time enough to prepare and bring in the account now moved for, between the first and second reading of the Bill, and therefore, my lords, 'till I see some such bill brought into this House, I shall be against making any such order as is now moved for.

Lord *Bathurst* replied;

My Lords;—When I made this motion, I hardly expected it would have been opposed, but since I find it is like to be so, I must beg leave to give my reasons for my motion a little more at large. As to the account I have now moved for, I think your lordships have not only good reason, but it is your duty to call for it, whether there be any bill relating to that company to come before us or no. I told you, that I was the other day so far in my duty as to be looking over and considering the papers upon our table, which is a duty I

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to whom such an enquiry more naturally belonged, and who could not be supposed ignorant of the affairs of the company. Besides, the enquiry, which in itself implied a censure, could not be gone into, consistent with the faith which the parliament was obliged to observe with the company, before a regular complaint came before them; and many reasons were offered to convince the friends of the motion, that they had misapprehended the state of the company through their ignorance of the motives of the directors. For these and a great many other reasons the motion was rejected; but a very strong protest against rejecting it was entered by 22 peers.

"This tenderness shewn by the Lords towards the directors of the South Sea Company was the more prudent, because it is certain that, at this time, their affairs had a very unpromising aspect, and the company might have been ruined, had any severe measures been pursued with regard to the directors. They had laid a state of their bonds before a general court, by which it appeared, that upwards of 700,000*l.* had been paid off, and that upwards of 200,000*l.* not then brought, were ready to be paid off on demand. The public, however, was, at this juncture, greatly prepossessed against the company, whom they suspected of spiriting up the court of Spain to proceed in their depredations upon the British merchants trading in America, in order to support their own exclusive privilege of sending an annual ship to the Spanish West Indies." Tindal.

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have, I must confess, too often neglected; among those papers I found an account of a very large sum of money, received by the trustees out of the estates of the directors of the South-Sea Company in the year 1720: Upon seeing that account I began to examine a little further into that affair, and I found that that account was laid before us in pursuance of the directions given by an act passed in the year 1721, by which those trustees were appointed to give a particular account in writing to the king, and to either house of parliament of the effects of their proceedings: And by two acts since the bringing in of that account, I find, that the trustees are directed to deliver over to the directors of the South-Sea Company the produce of those estates, to be by them distributed among the proprietors according to the directions of those acts. Now, my Lords, I hope there is no lord in this House who imagines that we are in any case to see only one side of an account; are we, my lords, to see people charge themselves with the receipt of two or three millions of money in trust for the proprietors of the South-Sea Company, and to take no care or concern further about it; surely the very nature of the thing requires, that we should see them discharge themselves honestly and fairly of that money, which they have, by an account now upon our table, charged themselves with.

This we have not only a title, but we are in duty bound to enquire into: we have, my lords, a right to enquire into the management and disposal of all public monies, and we are at present the more obliged to exercise this right, because of the many enormous frauds which have been lately discovered in the management of the affairs of such Companies. I do remember, my lords, that a noble lord, for whom I have always had a very great esteem, said last year in this House, most justly and most emphatically, that if we did not take care to put a stop to such enormous abuses, our credit would entirely sink among our neighbours abroad; foreigners would look upon the whole nation to be a perfect den of thieves. Even as to the Company now under our consideration, there have been many and loud complaints of frauds and abuses in the management of their affairs, which public complaints, if there were no other reason, ought to be an inducement for us to enquire into the late management of their affairs. Upon such enquiry I hope these complaints will appear to be groundless; but it is certain that the people cannot be satisfied without making a narrow scrutiny, at least into that part of their affairs, which the motion I have now made relates to. We cannot, my lords, discharge our duty to our country without making such an enquiry; and now that I have made the motion, I hope it will be agreed to; for if it should not I dread the consequences; the putting a negative upon such a question would certainly injure the public credit of the nation among foreigners; it might probably be the cause of their drawing all their money out of our funds at once, which would give such a shock both to the trade and the credit of this nation that I tremble to think of it.

The Earl of *Scarborough* spoke as follows:

My lords;—I am much obliged to the noble lord who spoke last, for the good opinion he has expressed of me. It is very true, I remember it well, that last session of parliament I said, upon a remarkable occasion, that foreigners would look upon us as a den of thieves, if proper care were not taken to see the affairs of our public companies more honestly managed than they have been for some time: I am still, my lords, of the same opinion, and as I think there is no more effectual way of making the managers of such companies honest, than that of frequent parliamentary enquiries into their conduct, therefore I have always been for encouraging such enquiries, and I shall never be against a proposition for any such, when it is reasonably offered by any lord in this House: but in the present case, my lords, the noble lord, who made the motion, has not only a great deal of reason for what he proposes, but, in my opinion, it is absolutely necessary for us to agree to the proposition he has made; for though there were no complaints against the late management of that Company's affairs, yet the disposal of that money, which is now moved to be enquired into, seems to have been so directly put under our care, that we cannot in honour shun making an exact enquiry into it; and if there is any reason for delaying the enquiry, it certainly ought to come from the Trustees, or from the Directors of that company, it cannot come properly from any lord in this House; when such excuse comes to be made to us, we may then judge, whether it is a good one or not; but that can be no reason for our delaying to order the

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account now moved for to be laid before us.

The Earl of *Ilay* spoke next:

My lords;—It has always been my opinion, that when any unexpected motion is made by any lord in this House, it ought not to be immediately debated or agreed to, the debate ought to be adjourned, and a day appointed for taking the motion into consideration, that thereby every lord may have an opportunity of being fully apprised of the question about which he is to give his opinion; for when long and complicated motions, such as what we are now on, are made to the House, it is impossible to understand all the parts of them, and to consider fully the consequences with which they may be attended, without having some little time allowed for that purpose.—For my own part, my lords, I never shall be against enquiries when there appears any foundation for the making of such: It is certain that the enquiring strictly into the management of affairs of any kind, is the most proper, I may say the only way of making the managers diligent and faithful in the discharge of their duty; but as the making of no enquiry might be attended with very bad consequences, so the making of too frequent or groundless enquiries might be attended with full as bad, if not worse: the making of too frequent or groundless enquiries into the management of our public funds, would make people's properties in such funds so precarious, and would keep them always in so fluctuating a condition, that no man would like to have any property or share in them; and therefore, for preserving public credit both at home and abroad, a medium ought to be observed between the two extremes. We are not whenever it shall please any lord in this House to move for an enquiry into the affairs of any of our public companies, we are not, I say, my lords, to agree immediately with the motion: we ought first to examine whether there be any grounds for such an enquiry, and what may be the consequences of it, and after the most mature deliberation we ought then to give our opinions, and to agree with the motion or disagree as we see cause. Shall we, my lords, without any cause or reason for so doing, except that of its being moved for, give the managers and servants of a public company the trouble, and put them to the expence of attending for months together at this House; of bringing their books of account, their vouchers and other papers before us, and thereby put a full stop to the business of that company for perhaps a quarter of a year at a time: such a piece of complaisance is not to be expected by any lord in this House; instead of supporting, it would most certainly ruin all manner of public credit whatsoever.—As to the enquiry now moved for, I do not know, my lords, but that it may be necessary; I do not know but that there may be very sufficient reasons for our calling immediately for such an account, but I cannot so quickly determine myself either one way or the other: It is an affair that has so long lain over, and at the same time it is an affair of such consequence, that I do not think any of your lordships ought to determine yourselves off-hand. All those who have not before considered this question ought to have some time allowed them for that purpose, and therefore, my lords, I shall move, that the debate upon the motion now made, by that noble lord, may be adjourned only till to-morrow: this, my lords, is so short a delay, that I hope none of your lordships will be against it.

The Earl of *Chesterfield* spoke as follows:

My Lords;—If the motion now made to us, had been for an inquiry into the affairs of the South Sea Company, it might perhaps have required some time to consider of it; or if the question were complicated, some time might be necessary; but, my Lords, the motion now made to us is not for any such inquiry; it is no complicated question, it is as plain, as simple a question as ever came before this House. We have had several years ago an account laid before us, by which some gentlemen have charged themselves with the receipt of a very large sum of money for a public use; those gentlemen have since been directed by act of Parliament to apply that money to the proper use, and the question now before us is only, that those gentlemen may bring in their account of discharge. The noble Lord who made the motion did not, at first, so much as mention the inquiry, and that account when it comes in will, I hope, be so full, so plain, and so satisfactory, that, I hope, it will prevent an enquiry, if any such thing were really designed; but since we have had the account of charge laid before us, it is surely incumbent upon us to call for the account of discharge; we

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are certainly in duty bound to see the trustees and the directors of that company discharge themselves of that large sum, with the receipt of which they have long ago charged themselves by an account laid before us.—This, my Lords, is our duty, and shall we require time to consider whether or no we ought to do our duty? I hope no lord in this House will insist upon having so much as one hour to consider of such a question. The calling for that account has already been too long delayed; the affair has lain dormant too long, and therefore, I hope your lordships will not want any time to consider whether or no you are now to do that which ought to have been done some time ago.

The Duke of *Newcastle* spoke next:

My Lords;—I must beg leave to think, that the very argument which the noble lord who spoke last has made use of for our not taking time to consider of this question, is a strong argument for our taking some time to consider of it. It is now, my Lords, ten or twelve years since that affair happened which the present question relates to, and no inquiry having been made into it in all that time, is in my opinion, a very good reason for not agreeing now to enter upon such an inquiry, without taking some time to refresh our memories, and to consider of what we are going about. The noble lords may call the motion now made to us by what name they please, they may call it a motion for inquiry or not, as they think proper; but the calling for an account is certainly the beginning, at least, of an inquiry: when that account comes in, it is to be supposed, that your lordships will then inquire, at least, into that affair which the account relates to.—If there were no other reason, I should, my Lords, be for denying it, at least, until to-morrow, out of regard to the Lords who now happen not to be present: A question of such consequence ought not to be agreed to without giving every lord, at least, an opportunity of being present, and of giving his opinion upon it. There is at present, no necessity for our being so speedy in our determination. There may, perhaps, be some complaints against the management of that Company's affairs; but there are none laid, as yet, before us. Neither the Company nor any of the Proprietors have come to us with any complaint, and surely we are not to proceed upon general surmises: Our proceedings ought always to be founded upon good information, and from complaints from those who are some way or another interested in what they complain of. Therefore, my Lords, as a delay of 24 hours can be attended with no bad consequence, but, upon the contrary, will evince to the world, that in all affairs we proceed with the utmost caution and deliberation, I shall be for adjourning the debate until to-morrow according to the motion made by the noble lord for that purpose.

The Lord *Carteret* spoke as follows:

My Lords;—The noble duke seems to mistake the affair now before us; he seems to think that it has for a long time lain over, without ever having been moved in, or inquired after by your lordships, and that therefore, we ought not now so much as begin to inquire into it without the most deliberate and serious consideration; but, my Lords, I must beg leave to shew, that the affair has not laid over so long as that noble duke imagines. It is very far from having lain over ten or twelve years, as may appear from the acts of Parliament made relating thereto. I must desire the 58th and 59th sections of the act of the 7th of his late Majesty, intitled, 'An Act 'for raising Money upon the Estates of 'the late South Sea Directors,' to be read (this being read, his lordship went on.) Now, my Lords, by a mistake in that act, the produce of those forfeited estates was to be appropriated to the use of the South Sea Company, and applied thereunto, for increasing their capital stock, which could not possibly be done; for as their stock can consist of nothing but the debt due to them by the public, their stock could not be increased without increasing the debt of the public, and consequently the annuity due to them from the public, which could not have been done unless the whole produce of those estates had been paid into the public by way of a new loan, and this was no way the intention of that act. In the 13th of his late Majesty, the trustees appointed by that act, brought into this House an account of the produce of the estates and effects of the said late directors, as by the said act they were directed to do, and the said mistake having been then discovered, a new act was then made for amending the former; but even that new act was found not to be sufficient, and therefore a new application was made to Parliament for an explanation of that act,

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which last application was made only in the first year of his present Majesty, and consequently but four years ago; and after that matter was thus fully explained by Parliament, it was necessary to allow the directors some time to apply the said produce, according to the directions of the several laws made for that purpose. I hope they have by this time applied it accordingly; but it appears that the affair is so far from having laid over, or from having been neglected by your lordships, that I do not see how we could have called for this account sooner. — This affair therefore cannot but be fresh in every lord's memory, and the motion now made seems to me to be a motion of course; for by the Act of the 7th of the late king, the trustees were directed to lay before your lordships an account of the produce of those forfeited estates; they accordingly did so; but, I hope, my lords, it is not to be imagined that your lordships are to go no further: are not you in consequence to see that this produce has been duely and regularly applied, and actually distributed among the proprietors of that company, according to the directions of the Acts of the 13th of his late Majesty, and the first of his present Majesty? The thing is in itself so clear, that I wonder to hear any lord ask for time to consider of it. Are we, my lords, to ask for time to consider whether we shall do that which was certainly intended by those laws we should do? It is no enquiry into the affairs of the South Sea Company; it is only calling for an account of discharge, to answer that account of charge which is now upon our table.—In matters of importance and intricacy I shall always be for proceeding with deliberation, and for taking time to consider before we come to any resolution; but, my lords, to deliberate upon, and to take time to consider about an affair which all the world must see is an affair of course, is inconsistent with the honour and dignity of this House, and therefore I shall be against taking any time to consider of this motion, or adjourning the debate for that purpose.

The Earl of *Ilay* spoke next as follows:

My lords, I now find that those lords, who at present seem to be of the other side of the question, have considered this affair before this motion was made: they have mentioned several laws relating to it, and seem to be so well acquainted with the several clauses of them, that I must beg leave to think, that they have lately had this affair under their consideration, and have perused the several laws they have now mentioned. Now, my lords, as I have not lately considered any of those laws, as I never have considered them with a view to the question now before us, therefore I desire only till to-morrow to look over those Acts of parliament which have been mentioned, that I may be upon an equal footing with those lords who seem to be for agreeing with this motion. I have a very great regard for their opinion, and it is very probable that I shall to-morrow be of the same opinion with them; but in all matters of importance every lord ought to examine by himself the affair about which he is to give his opinion, and after he has fully satisfied himself about the affair in hand, he ought then to vote for that which appears to him to be right: this is the method, my lords, which I shall always observe; and when any thing comes before this House, that I am not fully satisfied about, I shall never be ashamed to ask some short delay, that I may have time to examine the affair to the bottom, before I give my opinion either upon one side of the question or the other.—As I have said, my lords, I shall never be against any enquiries of this nature, when I can see but the least ground for them at the time they are proposed; but if such enquiries be precipitantly gone into, I do not know where they may end, I do not know what fatal consequences may be thereby produced. There are in this nation my lords, several other companies, besides the South Sea Company; we have likewise an East India Company; and it is well known that that company has been, for these twenty years, represented by some people as a bankrupt company, yet I believe they always have been, and are still in very good circumstances. There have likewise been great complaints, and many insinuations thrown out against the management of the bank: surely, my lords, we are not, upon every suggestion within doors, or upon every idle and groundless clamour without doors, to expose the trade and credit of any one of our great companies to the whole world. Such a manner of proceeding might expose both the trade and the credit of every one of our companies to innumerable difficulties and dangers. In all trading companies, as well as in the trade of private men, there are some transactions, which, though exactly honest and just, ought not to be exposed to public

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view, because strangers might thereby be let into the mysteries of their trade, by which they would be enabled to undermine them, and to disappoint even their best concerted projects; for which reason, my lords, I shall always be of opinion, that no such enquiry ought to be set on foot, without some more solid foundation than that of an idle clamour: no such enquiry ought ever to be resolved on by this House without the most mature deliberation.

Lord *Carteret* spoke thus:

My Lords;—What is now moved for is no enquiry; it has already been so fully explained, that it cannot in any sense be taken to be an enquiry into the affairs of that Company. But, my Lords, if an enquiry had been moved for, I should have asked for no time to consider whether or no I ought to have agreed to it. The complaints and the clamours against the late management of the affairs of that Company, have been so loud and so general, that I think we are, in justice to the nation, in justice even to the gentlemen who have been concerned in the management of that Company's affairs, obliged to enquire into their affairs: if upon such enquiry it comes out, as I hope it will, that their affairs have been honestly and carefully managed, it will be a vindication of the characters of those gentlemen who have been concerned; and if the contrary should appear, the sooner we go into that enquiry, the more speedy justice will be done to the injured, and many evil consequences may be prevented. Why should we, my Lords, shew such a tenderness, and such a concern for the characters of some gentlemen? Why should we be so cautious of making any enquiry into their management? I must think that we thereby do them no great honour; it betokens a jealousy, that the enquiry will explain and confirm what has been so generally surmised.—The late clamours against the management of that Company's affairs are no idle clamours: they seem to be better founded than I could wish. Do not we all know, my Lords, is it not publicly and certainly known, that the proprietors of that Company have had lately above six per cent. of their capital annihilated for the payment of a part only of their debts? Could it have been imagined, that that Company had so much debt, more than their money and effects in trade could have answered? It can hardly be thought, that that debt has been all contracted since the year 1721; and if it was contracted before that time, it was a crime to conceal it from parliament; for if it had then been known, the parliament would certainly have expressly ordered the produce of the directors estates, as well as the stock then undisposed of, to have been applied towards payment of the debts of the Company, instead of ordering them to be divided among the proprietors. This was the only proper way of applying both, in case the Company had any debt at that time. And if the debt has been all contracted since that time, the public is entitled, and we have reason, to enquire how it came to be so. The debts of every one of our Companies ought to be publicly known. Do not we know that their debt is by law a mortgage upon their stock, and the concealing of that debt is a fraud upon every ignorant person who becomes a purchaser after the contracting of their debt? It is as much a fraud upon such a purchaser, as it would be to sell a mortgaged estate, without acquainting the purchaser that there was such a mortgage upon it.—As to the East India Company, my Lords, I wish an enquiry had been made into their affairs when they last applied to this house for a prolongation of their term: it was then that we ought to have made an enquiry; it is true, we then neglected it, but I hope such an enquiry was made by those concerned in the administration; it was their duty to do so before they agreed to the bargain that was then made with the directors of that Company; if they did not I shall always look upon such a neglect in them as a crime of a very high nature. I can see no evil consequence of letting at least, the general circumstances of a company be publicly known: I am sure, that as to the East India Company, it would have prevented some very odd practices which have been lately made use of: the directors, or perhaps, some few of the directors of that Company, were probably the only persons that were, for half a year together, in the secret of that Company's not being in a condition to continue their former dividend; such a secret was sufficient for any man, or for any small number of men to plunder their fellow subjects at pleasure, and to make to themselves what estates they had a mind. We know that there were but a few men in this secret, and that at a time when the world generally believed, when methods were actually taken to make all mankind believe, that that Com-

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pany was in the most flourishing state, and that they would have been able to have continued their dividend of 8 per cent. for many years. By these methods, my lords, we saw how that stock was run up to a very high price; we saw how it fell down again almost 50 per cent. in three months time, by which management we may believe that millions were lost and won; we may judge who were the winners; they perhaps were but few in number, but we may certainly conclude, that many innocent persons were thereby undone. And while such practices are so publicly and so openly carried on, shall we sit in this House and see them pass unpunished? But, my Lords, this is not the question now before us, the question now before us is, whether or no we shall call for an account of discharge as to a particular affair, in order to answer the account of charge, which was some years ago laid upon our table in pursuance of an act of parliament: surely this is a question that requires no time to consider of, and therefore I shall be against adjourning the debate.

Lord *Falmouth* spoke next.

My Lords;—I am inclined to be for adjourning the debate till to-morrow, but when I tell your lordships my reason, I hope you will not think that I am against any inquiry into the affairs of the South Sea Company; for I am so much convinced of the necessity and benefit of such enquiries, and of the propriety of the motion now made to us, that, I hope, no lord in this House will, after due consideration, be against it; and therefore I wish it were put off till to-morrow in order that it may then be unanimously agreed to.

The South-Sea Company ordered to lay their Accounts before the House.] The earl of Winchelsea, and the earl of Strafford spoke for the motion, and against adjourning. At last the question for adjourning the debate until next day was put, and it passed in the negative 35 against 31: after which the question was put, to agree to the motion, which was carried in the affirmative without any division; and accordingly the directors of the South-Sea Company were ordered to lay the said Account before the House.

Names of the Lords who voted for and against the Motion.] The following lords voted upon this question, viz.

For the Motion.

DUKES.
Bolton
Bridgewater
Kent
Montrose
St. Albans

MARQUIS.
Tweedale

EARLS.
Berkshire
Buchan
Chesterfield
Coventry
Fitzwalter
Ker
Macclesfield
Marchmont
Forthampton
Pomfret
Rothes
Scarborough
Shaftsbury
Stair
Strafford,
Thanet
Warrington

VISCOUNTS.
Cobham
Falmouth
Tadcaster

BARONS.
Bathurst
Bruce
Carteret
Clinton
Cornwallis
Foley
Gower
Haversham

BISHOP.
Lincoln.

Against the Motion.

DUKES.
Ancaster
Devonshire
Newcastle
Rutland

EARLS.
Albemarle
Ashburnham
Cowper
Crawford
Dunmore
Hallifax
Jersey
Ilay
Morton
Selkirk
Wilmington

VISCOUNTS.
Lonsdale
Torrington

BARONS.
Abergavenny
Byron
De la War
Harrington
Hobart
Lovel
Lynn
Walpole

BISHOPS.
London, and five Bishops more.

Further Debate in the Lords on the Produce of the South-Sea Directors' Forfeited Estates.] May 24. The above Account was accordingly brought in, and ordered to be taken into consideration on this day. As soon as the order was read, the lord Bathurst stood up to speak, but the duke of Newcastle standing up about the same time, the Lord Chancellor pointed to the duke of Newcastle, and the lord Bathurst not offering to sit down, lord Carteret stood up, and said, That if there was any dispute which lord was to speak, the Lord Chancellor was not to determine the question, but the opinion of the House was to be asked upon it; that for his part he was sure the noble lord by him was up some time before the noble duke. Then

The Lord *Bathurst* stood up and said:

My Lords; I desire to speak to order. When any lord makes a motion upon which

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there follows any order or resolution of this House, and a day is appointed for taking that order or resolution into consideration, it has always been the custom of this House, out of complaisance to the lord who made the motion, to hear him first; because it is to be expected that he has something to say, or some farther motion to make in consequence, or in explanation of the motion he had before made; therefore, my Lords, as I had the honour to move for the Account you are now to take under your consideration, I think I have now a title to be first heard, even though I had not been first up. [Upon this the duke of Newcastle sat down, and then the lord Bathurst went on as follows:] I had, my Lords, the honour to move for the Account now before us, and your lordships were so good as to comply with my desire. The intention of my motion was, that your lordships might see that the produce of the directors estates in the year 1720, had been regularly and fairly applied, according to the directions of the several laws made for that purpose; and from the account brought in, and now under our consideration, I think, it most plainly appears, that not so much as one shilling of that money has been so applied. To me it appears from that account that the large sum of money, arising from these forfeited estates, had been all distributed among the proprietors by way of dividend, even before the application was made to Parliament in the 13th year of his late Majesty's reign for directions how to apply it; and therefore, my Lords, I must take the liberty to move to your lordships, that it may be resolved, that the disposing of any of that money by way of dividend, and without any order or direction of a general court for that purpose, was a violation of the act of Parliament made for directing the disposal thereof, and a manifest injustice done to the proprietors of that stock.

The Duke of *Newcastle* spoke thus:

My Lords;—It is my opinion that a narrow scrutiny into the affair now before us is absolutely necessary: This, my lords, I am now so firmly persuaded of, especially since the bringing in the account now under our consideration, that no man can be more heartily inclined to enter into such scrutiny than I am; but this account, which the present directors have laid before us is so confused, and so obscure, that, to me, it is altogether unintelligible: I do believe there is not a lord in this House who will say that he thoroughly understands it; and therefore, I do not think that it can be a proper foundation for the motion the noble lord has been pleased to make, or for any other motion. An enquiry into the disposal of the produce of the forfeited estates of the directors in the year 1720, is certainly a very proper enquiry for this House; but then, my lords, for the honour and dignity of the House, we ought not to proceed upon any such enquiry till we have proper materials before us; and therefore, I hope your lordships will agree with me in the motion I am to make before you proceed any further in this affair.—The present directors of that Company have indeed given us an account, but that account is so imperfect and so indistinct, that it cannot be looked on as any sort of compliance with your lordships late order. What may have been their reasons for giving us such an account I shall not determine, but if it was either to conceal the crimes of the guilty, or to load the innocent with jealousies and suspicions, I hope, in either case, your lordships will inforce your own orders, and oblige them to clear up what appears to be obscure in the account they have already given in. It is incumbent upon us, my lords, always to see our own orders punctually obeyed, but especially when they relate to the discovering of those that are guilty, or to the vindication of those that are unjustly suspected of crimes: This surely is the next step your lordships ought to take in this affair; and therefore I shall move, That the present directors of that company may be ordered to lay before this House, a farther and more distinct account how that money has been disposed of.

The Earl of *Chesterfield* spoke next:

My Lords;—I am glad to see the effect that the bringing in of this account, obscure as it is, has produced. I find that some lords, who at first seemed to want no information in this affair, who at first appeared to be against any such enquiry, are now for making a thorough enquiry into that whole affair, and are for having a full information of every particular circumstance relating to the disposal of that money. I am, my Lords, of the same opinion, and therefore I look upon the motion made by the noble duke to be a very proper motion: I shall most heartily join with him in that motion; but then, my Lords, I think it is time enough to come to that motion

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after the motion made by the noble lord is agreed to; the noble duke's motion ought to be the concluding motion of this day. The account laid before us is, it is true, obscure and indistinct, but let us make as much of it as we can before we ask for any further account. Even this obscure account is sufficient to raise a suspicion in every lord of this House, that the produce of those directors estates has not been disposed of, according to the directions of the act of parliament made for that purpose; and therefore I must think, that we have from thence sufficient ground for the resolution first moved for. We may then examine this account a little farther, and at last we may come to the motion made by the noble duke, and may then give such particular orders and directions, relating to the several articles which we want to have cleared up, that the present directors may know how, and will be necessarily obliged to lay a clear and distinct account of that whole affair before us, if any such can be had. I shall therefore be for the motion made by the noble lord, and at last I will join with the noble duke in the motion he has made.

The Earl of *Scarborough* spoke thus:

My Lords;—As to the motion made by the noble duke, I shall join in it with all my heart, as soon as I think it is proper for us to come to such a motion, or to make such an order. I do not doubt but that the noble duke who made the motion is most zealous in the affair now before us; his grace has declared so, and therefore I make no manner of doubt of it, because I am fully convinced of the honour and integrity of that noble duke; he never did profess any thing but what were his real sentiments, and I am persuaded the motion he has made proceeds from a sincere and an ardent desire of coming at the bottom of the affair now before us. I am always sorry when I differ in the least from him; but in the present case my opinion happens to be different; I do not think that what he proposes ought to be the first step we are next to take in the affair before us. As to this, my lords, I am at present of a different opinion, and though I may, and shall always be ready to change my opinion, upon a better information; yet my opinion, while it is my opinion, I will not give up even to him for whom I have the greatest regard and esteem.—As we have, my lords, already an account before us, it is my opinion, that we ought to examine that account before we order any farther account to be laid before us. If there is any thing obscure in this account we now have before us, the gentleman who signs it is attending at the door; and if your lordships call him in, and examine him, he may perhaps be able to give you a farther light into the matter in hand; he may be able to explain all or most of the articles that appear to be obscure in the account now under your consideration; and if, at last, there shall remain an obscurity in the account before you, your lordships may then make a new order for the directors to bring in a farther, a more clear and distinct account: you will then, and not till then, be able to give such particular orders as to the several articles that remain obscure, as cannot be misunderstood by the directors. We have, my lords, by our former order called for an account how that money was disposed of; and if we should only renew that order without adding some new and particular directions, the second account may and probably will be more obscure than the first; and therefore, my lords, that we may be able to give such particular directions as may be easily understood by the directors, I must move for calling in Mr. De Gols, and examining him as to the several articles of this Account.

The Duke of *Newcastle* got up again, and thanked the noble lord who had spoke last for the good opinion he had expressed of him, 'That noble lord (says his grace) cannot have a better opinion of me than I have of him: there is no man more fully convinced of that noble lord's honour and sincerity than I am, because there is no man, I believe, knows him better.'

Lord *Carteret* stood up and spoke to this effect:

My Lords;—I shall readily join with the noble duke in the motion he has made, as soon as it is proper for this House to go upon that motion. It must be confessed, that the account now before us is a very imperfect and indistinct account; whether this be the effect of neglect or design I shall not determine, but I must say, my lords, wherever I see an obscurity in accounts I am apt to suspect some indirect practices; however, notwithstanding the obscurity of the account now under our consideration as to some other parts, it cannot be said that it is obscure as to that part to which the motion made by the noble lord refers. It must be granted, it has not I think been so much as denied by any lord

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in this House, but that the disposing of that money by way of dividend among the proprietors, without any orders or directions of a general court for that purpose, was a violation of the Act of Parliament, and a manifest injustice done to the company: and it is plain that, in the account now before us, there does not appear any order or direction for the disposal of that money: there appears to us nothing but an order for the trustees to deliver that money over to the directors; and for this reason we ought now to declare our opinion as to this matter, that the present directors, in the making up of a new account, may be sufficiently instructed as to that article, and that they may be directed to report clearly to us, whether or no there was any order of a general court for the disposal of that money; if there was any proper order for that purpose, our coming to a resolution, according to the noble lord's motion, can affect no man; and if there never was any such order, those who disposed of that money otherwise, do deserve, and, I hope, will meet with a much higher censure. For the sake of the honor and dignity of this House we ought, my Lords, immediately to come to some very strong resolutions in the affair now before us; the giving in of such account seems to be a trifling with this House, and if your Lordships now refuse, or even delay doing any thing further in this affair until you have a new account given in, it will be thought to be a throwing of cold water upon the enquiry now before us. Your Lordships may declare what you please as to your willingness to enter upon an enquiry into this affair, but the putting it off without coming to any resolution until you have a new account from the directors, will without doors be looked on as a waving of the enquiry proposed; and this opinion will the more readily and the more generally prevail, because it is now so near the end of the session, that this new account can hardly be expected to be brought in during this session of parliament.—By the account now before us it appears, that upwards of 2,000,000*l.* sterling money was paid and delivered by the trustees to the directors of that company in the year 1729, and it likewise appears, that it was never brought to the company's account till the year 1732. For God's sake, my Lords, what became of that great sum of money during that long interval, the very interest of it in that time amounts to above 100,000*l.* which is a sum, that company itself would certainly have looked after, if they had not been either very negligent of their own affairs, or under an influence to which I shall not give the name it deserves; but whatever may be the case as to the company, we ought to consider the widows and the fatherless infants who have no vote at their general courts, and for the sake of those we ought to enquire what became of this money for so considerable a time: as to this and all the other articles of this account, the gentleman who signs it and who is now attending at our door, can without doubt fully inform us, and therefore; I shall join with the noble lord by me, in the motion he has made for having him called in and examined.

The Earl of *Ilay* spoke next as follows:

My Lords;—Since your lordships seem to be all of opinion, that the account laid before us by the present directors of the South Sea Company, in pursuance of our late order, is a very indistinct account, I think the first thing you ought to do is to see your order as fully complied with as possible. By your lordships' former order, the directors were ordered to lay before you all the orders of general courts made for directing the disposal of that money, and I find they have given us no account of any order relating to that affair, but of one only, which, for what I know, may be all the orders they have to show; but they ought at least to have told us so: if there is any other order relating to the disposal of that money, it ought to be laid before us, and if there are none other, we ought certainly to be assured of it in a proper way, before we proceed any further in this affair: till we have from the directors all the information we can possibly get, it will be irregular to come to any resolution, or to call any witness to be examined at the bar; and in every affair that comes before this House, I hope your lordships will always be careful of doing nothing but what is regular and just, without any regard to what may be said without doors.—From the account before us, it indeed appears, that the money was paid in by the trustees to the directors in the year 1729, and that it was not brought to the Company's account till the year 1732; and I do not know but that Mr. De Gols who signs this account, and who is now attending at your door, may be able to inform you as to what became of that money in the interim. But, my Lords, it is not from Mr. De Gols that we want an account,

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it is from the directors of that Company that we ought to be informed of all these matters; and after the directors have told us, that they can give us no further information, we may then examine them, we may examine their servants, we may examine whatever witnesses we think proper, at the bar of this House, as to the truth of the several articles of the accounts given in by the directors, and likewise as to the clearing up and explaining such articles as may, at last, remain obscure.—As to any lord's having at first appeared against calling for the account now under our consideration, I do not know that any lord did appear against it: when the first motion was made relating to this affair, it appeared to be a motion of such consequence, that several lords were desirous of some time to consider of it; but it is not from thence to be inferred, that they were against calling for any such account: they desired only till next day to consider of it; their asking for such a short time was a proof of their not being against it, and if they had got that time, they would I believe, have been as much for it as those lords were who had considered of the affair before the motion was made. The event, my Lords, shews that they were in the right in asking for some time to consider it, for if the affair had been better considered at first, our order would perhaps have been made more particular, and then the return to it would, in all probability, have been more distinct and clear: we should then have been able to have proceeded without any loss of time, but as the case now stands, I think it would be very irregular to proceed to the making of resolutions, or to examine witnesses, till we have the matter further cleared up; and therefore I shall be for putting the previous question as to the motion made by the noble lord, and if that passes in the negative, as I hope it will, I shall be for agreeing with the motion made by the noble duke.

The duke of Montrose, the marquis of Tweedale, the earl of Winchelsea, and the earl of Marchmont, spoke for calling in Mr. De Gols; and the earl of Cholmondeley, the lord De la War, the lord Lovel, the lord King, and the bishop of Bangor, spoke against it. The previous question was then going to be put as to lord Bathurst's motion, but

Lord *Carteret* got up, and spoke to order,

That as Mr. De Gols was then attending at the door by virtue of their lordship's order, and a noble lord having moved for calling him in, he thought, that according to the rules of proceeding in that House, the question that ought to be first put was, Whether or no Mr. De Gols should be called in? And that it was certainly proper he should be examined before they proceeded even to make an order for bringing in a further account, for that they would thereby be enabled to give much more particular and distinct directions, how that further account should be framed, than they could otherways do: that if they went upon issuing out a new order before they examined that gentleman, the same thing might happen, which a noble lord seemed to think had before happened by their making the first order in that affair, without taking time to consider of it; the directors would no more understand their second order, than they had understood the first; and thus (says his lordship) we shall have a second return as indistinct and as obscure as the first.

In this question as to order the lord Carteret's opinion was supported by the earl of Winchelsea and the lord Bathurst; and it was opposed by the duke of Newcastle, the earl of Ilay, and the lord De la War.

The Earl of *Strafford* stood up, and said:

That for avoiding the dispute about order, he would be for putting the previous question as to the motion made by the noble lord, and thereupon he would give his negative, as he would likewise do upon the previous question as to the motion made by the noble duke, in order to come at the motion made for calling in Mr. De Gols, which he would certainly agree to. After him

The Marquis of *Tweedale* stood up and said:

My Lords;—I am of the same opinion with the noble lord who spoke last; I think that what his lordship has proposed is a most proper method for avoiding all disputes about order; and as I am for calling in Mr. De Gols, and examining him before every thing else; therefore, if you put the previous question as to the first motion that was made, I hope it will pass in the negative; then, my lords, we may regularly, and without any dispute as to order, put the previous question as to the motion made by the noble duke; to that question I shall likewise give my ne-

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gative, and I hope all the lords who are for having Mr. De Gols called in and examined, will do the same, that so it may likewise pass in the negative; and thus both the first motions being postponed, we come next of course to the third motion, which was that for calling in Mr. De Gols, to which I shall most heartily give my affirmative.

Hereupon the previous question was put as to the motion made by the lord Bathurst, which passed in the negative without any division. Then the previous question was put upon the motion made by the duke of Newcastle, upon which the House divided, as this division was a very remarkable one, we shall give a List of the Lords who were present, and voted in this question.

The Lords who upon this previous question voted in the negative, and were consequently for the calling in of Mr. De Gols, were

DUKES.
Somerset
St. Albans
Bolton
Bedford
Montrose
Kent
Greenwich
Manchester
Bridgwater.

MARQUIS.
Twedale.

EARLS.
Northampton
Denbigh
Berkshire
Winchelsea
Chesterfield
Thanet
Sunderland
Shaftsbury
Litchfield
Gainsborough
Scarborough
Coventry
Rothes
Buchan
Marchmont
Strafford
Stair
Fitzwalter
Oxford
Harborough
Macclesfield
Pomfret
Ker.

VISCOUNTS.
Tadcaster
Cobham
Falmouth.

BARONS.
Clinton
Bruce
Craven
Carteret
Weston
Haversham
Gower
Masham
Foley
Bathurst
Cornwallis.

BISHOP.
Lincoln.

Present - - - - - 48
Proxies - - - - - 27

75

The Lords who upon this previous question voted in the affirmative, and consequently against the then calling in of Mr. De Gols, were

DUKES.
Montague
Ancaster
Grafton
Devonshire
Newcastle
Chandois
Dorset.

EARLS.
Pembroke
Warwick
Clarendon
Albemarle
Jersey
Godolphin
Cholmondeley
Crawford
Moreton
Selkirk
Dunmore
Orkney
Ilay
Tankerville
Halifax
Cowper
Ashburnham
Effingham
Wilmington.
De la War
Lovelace
Byron
Lynn
Cadogan
Walpole
Monson
Lovel
King.

VISCOUNTS.
Lonsdale
Lymington
Torrington.

BARONS.
Harrington
Abergavenny

BISHOPS.
London
Durham
Winchester
Salisbury
St. David's
Bangor
Exeter
Llandaff
Chichester
Oxford
Bristol
Norwich
Litchfield and Coventry
Ely
Rochester
St. Asaph
Bath and Wells.

Present - - - - - - - - - 57
Proxies (of whom 6 were bishops) 18

75

By the rules of proceeding in the House of Lords, nothing new can be resolved on unless a majority be for it; so that when a motion is made in that House for reversing a decree, for bringing in or passing a bill, or for an amendment to a bill then before them, there must be a majority for it, otherwise, if there be only an equality upon the division, the decree stands affirmed, the bill or the amendment is thrown out; and so, when a motion for a Resolution or Order is made, there must be a majority for it; if upon a division there be an equality, the motion is of consequence disagreed to, that is, the question passes in the negative. Thus in the present case, the previous question being, Whether the question should be then put upon the motion made by the duke of Newcastle? And there being exactly as many against putting the question upon that motion, as there were for it, therefore the previous question was carried in the negative, and so the House came of course to putting the question upon the motion made by the earl of Scarborough, for the calling in of Mr. De Gols.

Accordingly, the earl stood up and renewed his motion, whereupon the duke of Newcastle got up and moved, that the

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previous question might likewise be put as to that motion. Upon this

The Earl of *Strafford* stood up and spoke thus:

My Lords;—For God's sake do not let us put a previous question as to this motion. Mr. De Gols was ordered to attend this day: what was he ordered to attend for? Surely it was to be examined in case we found any difficulty in the account now under our consideration; and every lord in the House, I think, confesses that he finds difficulty in this account: it has been allowed by every lord that has spoke in this debate, to be very confused and obscure. It will really look very odd, to refuse examining that gentleman as to what appears difficult or obscure in the account before you, since he is attending for that purpose by virtue of an order of the House. We may pretend what we please, but no man will think that we are in earnest in what we are now about, if the calling in and examining of this gentleman should be put off.

Several other lords spoke to the same purpose, upon which the duke dropped his motion, though, if the previous question had been put, and every lord had voted and given his proxies as in the former division, it is certain there would have been an equality, by which the calling in or examining of Mr. De Gols would, by the rules of that house before-mentioned, have been put off. The motion as to the previous question being thus dropped, the question was put for the calling in of Mr. De Gols, which was carried without any division, and he was accordingly called in and examined, but did not give any great satisfaction as to the clearing up of the Account. After he was withdrawn, the lord Bathurst renewed his motion, whereupon

The Earl of *Scarborough* rose up and spoke as follows:

My lords;—I must be of opinion, that as this motion tends towards the charging of some gentlemen with very gross mismanagement, and with acting contrary to an express act of parliament, we ought to proceed with the utmost caution: and as I really think that we have not, as yet, sufficient ground for supporting such a resolution, therefore I cannot now agree to it. Our coming immediately to such a resolution can do no manner of service, either to the public or to any private person, and it may do harm to some gentlemen, who, for what we can yet pretend to know, are innocent; but that we may search this affair to the bottom, that we may have all the insight into it that is possible, and that we may discover and punish the guilty if any there be, I will now join with the noble duke in the motion he made; and I hope in forming that order your lordships will give such directions, as may not only enable but oblige the Directors of that Company to give us a full, clear, and distinct account of that whole affair, if any such account can be had. When that account comes in, and when we are told no such account can be had, we may then consider the motion made by the noble lord, and may come to that resolution, or to such other resolutions as we shall then think proper.

The Duke of *Argyle* spoke as follows:

My lords;—In all enquiries of this nature, we ought to proceed with zeal but not with fury. I hope, my lords, I am as zealous for enquiring thoroughly into the matter now before us, as any of your lordships ought to be. For this reason I was for postponing the motion made by the noble duke, in order to have Mr. De Gols examined: I did indeed expect that he would have explained to your lordships most of the articles of the account before us, which appear to be obscure and unintelligible; but I find I am disappointed: I believe your lordships have received no great satisfaction from him; for to me he seemed to be ignorant almost of every thing; he could not so much as give a clear and distinct answer to any one question that was put to him, which, I must say, is to me very surprizing: I did think it almost impossible that a man who had been so long in such a high post in that Company's service, could be so ignorant of their affairs as this man appears to be.—However, my lords, notwithstanding the little success we have met with in the examination of this gentleman, I hope we shall fall upon ways and means for bringing this matter to light; but till we have some further information about it, I do not think we have a foundation for the resolution which the noble lord has been pleased to move for: our proceeding so hastily to such a resolution would really be a going on with fury, instead of going on with that just zeal, which we ought to shew upon all such occasions: and I am persuaded, if this affair were to be left to the single determination of the noble lord who made the

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motion, he would not upon re-considering the case, come to such a determination as he has now moved for, without enquiring farther into the matter; therefore I hope the noble lord will for the present wave his motion, that the same may be again revived, after we have got a more full and distinct information about this affair.

The South Sea Directors, &c. ordered to attend.] Hereupon the lord Bathurst agreed to wave his motion for that time, and afterwards the House ordered the present Directors, and also the last Directors of the South Sea Company to attend to be examined, and likewise the late Inspectors of that Company's Accounts.

Debate in the Lords on the Bill for applying the Sinking Fund, for granting a Marriage Portion to the Princess Royal, &c.] May 30. A Bill was read the second time, intituled, "An Act for enabling his Majesty to apply 500,000*l.* out of the Sinking Fund, for the service of the year 1733; and for the further disposition of the said Fund, by paying off one million of South Sea Annuities; and for enabling his Majesty, out of the monies arisen by sale of lands in the Island of St. Christopher, to pay the sum of 80,000*l.* for the marriage portion of the Princess Royal, and 10,000*l.* to the Trustees for establishing the colony of Georgia in America; and for making good all deficiencies and charges by taking of broad pieces into the Mint, out of the Coinage Duty; and for appropriating the Supplies granted in this session of parliament; and for issuing to the sub-dean, treasurer, and steward of the collegiate church of St. Peter, Westminster, out of the monies reserved for building fifty new churches, within the cities of London and Westminster, and the suburbs thereof, and for making provisions for the ministers of the same, 4,000*l.* for the repair of the said collegiate church, and 1,200*l.* for finishing the dormitory belonging thereunto."—Upon a motion being made for committing it,

The Earl of *Winchelsea* stood up and spoke to this effect:

My lords;—I do not rise up to oppose the Bill now before us, but I stand up to take notice of the strange method of huddling so many things together; and particularly I cannot but take notice of that part of it by which 80,000*l.* is granted as a portion for the Princess Royal. It is so unbecoming a thing to see that grant made in such a hotch-potch Bill, a Bill which really seems to be the sweepings of the other House, that I cannot, my lords, let it pass without testifying my dislike. After his Majesty had been most graciously pleased to communicate to both Houses of Parliament, the intended marriage of that princess; after both Houses had presented to his Majesty most dutiful and loyal Addresses thereupon, I think, my lords, the least that ought to have been done, was to have provided a marriage portion for that princess in a particular Bill by itself; that it might have stood upon our records, as a testimony of the respect and duty of the nation towards the royal family now upon the throne. I have so great an esteem for his Majesty and his family, and such a particular regard for that illustrious princess, that I am sorry to see her name so much as mentioned in such a riff-raff Bill as this is.—But, my lords, besides this indignity to the royal family, the sending up a Bill with so many different things tacked together, is a sort of indignity to this House. It is a breach of one of your standing Orders, and is a laying of us under a necessity of agreeing to every item in a Bill, or of putting a negative upon every one of them: In short, my lords, to me it really seems to be a design to make use of one particular article in the Bill to cram the rest down our throats. Upon both these accounts I could not help taking notice of this most extraordinary Bill, but since it cannot now be remedied, I am so fond of enabling his Majesty to provide a sufficient marriage-portion for the Princess Royal, I am so ready to join in any measures for providing for the current service of the year, that, rather than disappoint either of them, I will for this time pass over those formalities, I will not oppose this Bill, but I hope that care will be taken hereafter not to send up any more such Bills to this House.

The Earl of *Chesterfield* spoke next:

My Lords;—I do not rise up to oppose the Bill now before us, but I think it is incumbent upon me to declare, that it is, in my opinion, a most indecent thing to provide for the Princess Royal of England in such a manner: it is most disrespectful to the royal family, to provide a marriage portion for so illustrious a branch of that family in such a Bill of Items. Here is Imprimis, 500,000*l.* for the current service of the year. Item, 10,000*l.*

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by way of charity for those distressed persons, who are to transport themselves to the colony of Georgia. Item, so much by way of charity for repairing an old church. Item, so much by way of charity for repairing a dormitory. And Item, 80,000*l.* as a marriage portion for the Princess Royal of England. How incongruous is it, my Lords, to see such a provision come in by way of Item among so many other Items, many of which are for charitable uses!—In duty to the family of which that Royal Princess is descended, out of that regard and esteem which we ought to have for her, and which she so much deserves, not only from us but from the whole world, her marriage portion ought to have been provided for in a particular bill by itself; no foreign matter ought to have been mixed in such a bill. Your lordships were so careful in that respect, that, when you were about drawing up an address of thanks to his Majesty for communicating to this House the intended marriage of the Princess Royal, you would not receive a few words which were offered by way of compliment to the States General, and which might very properly have come into that address, because you were resolved to put nothing into the address that was any way foreign to the intended marriage, which his Majesty had been pleased to communicate to you.—As I am resolved not to oppose this Bill, therefore, my Lords, I shall not say any thing to the method of tacking made use of upon this occasion; nor shall I now object against the means made use of for providing for the current service of the year; but both ought certainly to be taken notice of, and I hope your lordship will, upon this occasion, come to some resolutions which may tend to prevent the like practices for the future.

The Duke of *Newcastle* then said:

My Lords;—I am so far from thinking it indecent or disrespectful to provide for the Princess Royal by this Bill, that I think it the only way by which such a provision could have been made. It could not well have been done by a particular bill, because the marriage is not yet fully concluded: and a particular Bill was the less necessary, because the provision is to be made without laying any new burden on the people; it is to be made out of what did not originally belong to the public, but to his Majesty; for the money arising by the sale of lands in Nevis and St. Christopher's did not really at first belong to the public; it was what the public had no right to, until his Majesty was so good as to give it up, and to promise that it should be applied to the use of the public.

The Earl of *Ilay* spoke next as follows:

My Lords;—I must say that the two noble lords who spoke first upon this subject, have been pleased to give the bill now before us some epithets which are very extraordinary, and which, in my opinion, the bill no way deserves. There is in this bill, my Lords, nothing of an extraordinary nature: [surely your lordships would not have a particular bill sent up for every small sum that is granted for the current service of the year: your lordships know that it is not usual: it has always been the custom of Parliament to provide for several particular services by one bill. And as to the marriage portion of the Princess Royal I have as great a regard for that most deserving princess, and as great a respect for the royal family of which she is descended, as any lord in this House; but really I can see no difference in the providing for her marriage portion by a particular bill for that purpose, or by a clause in some other bill: it will stand equally upon all our records in the one way as in the other; and the duty and respect which the nation owes to his Majesty and his illustrious family will be shewn as much, and testified as strongly, by the clause which is in this bill, as if there had been a particular bill brought in and passed for that purpose only.—As to the orders of this House, my Lords, there is nothing in this Bill that is against any of them; the order which now seems to be referred to is, I presume, that by which it is ordered, that nothing of a foreign nature shall be tacked to any money bill: This, my Lords, is the only order I can think of which has any manner of relation to the question in hand, and I am sure there is nothing in this bill contrary to that order: there is nothing of a foreign nature, there is nothing in it but what relates to the granting of money, and therefore there is nothing in it that can in any way be said to look like tacking. Since the noble lords had no mind to oppose the bill, I must think that they might have let alone saying any thing upon the head until after the bill had been ordered to be committed: then if they had any motion to make relating to any irregulari-

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ties in this bill, they might have spoke to it; but it is not usual for any lord to speak against a bill, unless it be with a design to oppose its passing in the form it is in.

After this the Bill was ordered to be committed, and then

Lord *Bathurst* stood up and spoke thus:

My Lords;—I did not before give your lordships any trouble, because I had not a mind to oppose this Bill which we have now ordered to be committed; for though I was of opinion, and I find I am not singular, that the sending up of such a Bill was both irregular and contrary to the orders of this House, yet I thought it was necessary to pass it, not only because of the desire I had to see all the current services of the year provided for, but likewise because of the great regard I had for that branch of the royal family provided for by this Bill: though, I must say, that I should have been glad to have seen that royal princess provided for by a particular Bill for that purpose only; for wherever a grant is to be made by parliament in favour of any particular person, the doing of it by a clause may, perhaps, have the same effect, but the doing of it by a Bill certainly shews a greater regard for the person to whom the grant is made. There is indeed a method, by which one house of parliament may be made to shew a very extraordinary regard to any particular thing provided for only by a clause in a bill; this method has been practised, though I shall not say, my lords, it has in this case been practised; it is when either house of parliament has a Bill before them which they suspect may be thrown out in the other House, therefore, in order to carry it through the other House, they add a clause in favour of some thing, or some person which they know the other House will shew a great regard to; in such case, if that other House do pass such a Bill for the sake of that clause, it is certainly shewing a very extraordinary regard to the person in favour of whom that clause was thus purposely introduced. If I admit bad company into my House, for the sake of one particular man who happens to be among them, I certainly shew him a greater regard than if I admitted him single and alone; but he is little obliged to those, who put him upon the office of gaining admittance for such troublesome attendants. —However, my Lords, as to this part of the Bill I shall insist no longer upon it, my principal design is to take notice of the manner in which the current service of the year is provided for by this Bill: it is indeed a very extraordinary method of providing for that service; a method which I shall never approve of: I have always looked on the Sinking-fund as a most sacred pledge for securing the payment of the debts of the nation, and for relieving the people from those many taxes and burthens they now groan under. Now, I find, that by this Bill, that sacred fund is to be robbed of 500,000*l.* at one stroke. There have been several large sums formerly stolen from that fund; but, I believe it was never before plundered of so large a sum at once, or in so direct and open a manner as by this Bill is to be introduced; and therefore, I hope your lordships will come to some resolution for preventing any such practices for the future: it is now, my lords, really become necessary for us to signify to the other house our opinion, That the sinking fund ought never to be applied to any other purpose than that for which it was originally designed; and I think my lords, the best way of signifying such opinion, is, by having a resolution to that purpose entered upon the journals of this House; for which reason I shall take the liberty to move for a resolution in these or in some such terms That it is the opinion of this House, that the sinking fund ought always for the future to be applied to the redeeming those taxes which are most prejudicial to the trade, most burthensome on the manufactures, and most oppressive upon the poor of this nation.

Lord *Carteret* spoke next:

My Lords;—I must upon this occasion declare it to be in my opinion, that the creditors of the public have, in a manner, a right to that sacred fund, called the sinking-fund; it is in its own nature a security to them; first, for the payment of the interest coming yearly due to them, and next for the payment of their principal sums. The whole people of England have a right to have it duly applied; because it is by such application only that we can get free of those many and grievous taxes, which lie so heavy upon the poor, and are such a clog to the trade and to the manufactures of this nation: and therefore the applying of that fund to any other use is a robbing the public creditors of their right, it is doing an injustice to the whole people of England.

The present circumstances of this nation are, my lords, in some manner de-

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plorable. By the many taxes we now pay, the necessaries and conveniences of life are rendered so dear, that it is impossible for our tradesmen or manufacturers to live so cheap, or to sell the produce of their labour at so small a price as our neighbours do; from hence it is, my lords, that our neighbours are every day encroaching upon us, and our trade is daily decaying. If a journeyman in any manufacture whatever, can live better in France or Germany on six-pence a day than he can live in England on a shilling, we may depend on it that most of our tradesmen will at last find the way thither, if they are not prevented either by our own good politics, or by some very bad politic among our neighbours; and if a master tradesman can get the same work done in France for six-pence, which would cost him a shilling in England, he certainly can undersell the English tradesman in all the foreign markets of the world. The only method therefore to preserve our trade is to take off those taxes, which now lie so heavy upon the poor tradesmen and labourers, and this the whole people of England know can be done no other way but by a due application of the sinking-fund. How shocking then must it be to the whole nation to see that fund plundered of so large a sum at once; the whole nation must from thence conclude, that they must for ever groan under those taxes and burthens which they now find almost insupportable, and which must soon become absolutely so by the decay of our trade and our manufactures.

This fund, my Lords, has before been clandestinely defrauded of several small sums at different times, which indeed together amount to a pretty large sum; but by the bill which we have now ordered to be committed, it is to be openly and avowedly plundered of 500,000*l.* at once. After such a direct misapplication of that fund, can any public creditor depend upon his being ever paid his principal sum? Can any public creditor think himself secure, even of that yearly interest or annuity which is due to him? By this Bill he sees one half of the sinking-fund applied to the current service of the year: this he sees done, and this, my lords, he sees done in a time of the most profound peace and tranquillity? How then can he be certain but that the whole sinking-fund may be next year applied to the same purposes? He must then see himself deprived of all hopes of ever receiving his principal sum; and if the funds now appropriated to the payment of the yearly interest, or annuities, growing due to the public creditors should hereafter prove to be deficient, where could they have recourse for the payment even of those annuities? The sinking-fund being otherwise applied, their annuities, or at least some part of them, must remain unpaid, and, at last perhaps, the whole might cease. Such a suspicion may, even by this misapplication, arise among the creditors of the public; and if such should arise, it would be the most terrible shock that ever happened to the public credit of this nation. To prevent therefore any such suspicion, it will be absolutely necessary for your lordships to come to some resolution for quieting the minds of the people, and for assuring them that no such misapplication shall for the future be admitted of: and the passing of the bill now before us makes our coming to such a resolution the more necessary. For which reason I am for agreeing with the motion made by the noble lord who spoke last.

The Duke of *Newcastle* spoke as follows:

My Lords;—I wonder to hear it affirmed by any lord in this House, that the public creditors have any manner of right in the sinking-fund; they certainly have no right to any part of it: they have a right only to receive their yearly interest when it becomes due; for the payment of which there are other funds appropriated, and therefore as long as they are regularly paid their interest they have nothing to fear, they have nothing to complain of. It is well known that the sinking-fund was from its very first original subject to be disposed of by Parliament, and the Parliament has it still in their power to apply it to the paying off a part of the public debt, or to what other public use they shall think most proper; and in this year there is as much of it applied towards the paying off the public debts as is either necessary or convenient.

By the same bill, my lords, there is a million to be applied towards the paying off a part of the public debts of the nation, which is more than the creditors of the public either want or desire. The circumstances of this nation are now so happy, and the public credit so well established, that none of the public creditors desire to have their money: On the contrary, my Lords, we see that those funds bear the

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highest price, and are the most sought after, which are expected to be the longest in being paid off. In such circumstances we have an opportunity to look about us, and to apply a part of that fund where we find it is most wanted: this is what is proposed by this Bill; it must be granted, my lords, that the landed gentlemen have of all others born for many years the greatest share of the public charge, they are therefore the first that ought to be relieved; and for this reason 500,000*l.* part of the sinking-fund, is to be applied to the current service of the year, in order to relieve them of a part of that burthen they have long laboured under. Since then by this Bill the landed gentlemen are to be relieved, and the service of the year provided for without contracting any new debt, or laying any new burthen upon the people, it must be allowed to be a public benefit.

That part of the Sinking fund, which in ease of the landed gentlemen, is by this bill to be applied to the current service of the year, is not, my lords, to be called a half of the sinking-fund, because it is not to be taken out of the produce of that fund for one year; it is what has arisen from the surplusses of that fund for several years, over and above the million which, for some time, has been yearly applied to the payment of the public debts: and since none of the public creditors either wanted or desired their money, I must think that these surplusses could not have been applied better than to the relief of those who have been for many years the most grievously taxed. This, my lords is the true design of the Bill which we have ordered to be committed. It is, my lords, a good design; it is such a design as can give no man an alarm; it can raise no jealousies or fears; and therefore I cannot think that there is any occasion for your lordships to come to such a resolution as the noble lord has been pleased to move for.

The Earl of *Ilay* spoke next:

My Lords; I am really surprized to hear such expressions made use of in this House, as some lords have taken the liberty to use. Robbing, stealing, plundering, defrauding, misapplying, are such terms as are not usual in any polite conversation, and much less ought they to be made use of in any debate of this House; but when I reflect upon what they are applied to, I cannot but think they are still more irregular. It has been said, that the sinking-fund has been plundered and robbed; I would gladly know, my lords, by whom this sacred fund has been so used; I am sure that to the best of my knowledge, there has never yet been one shilling of it applied to any use, but by virtue of an Act of Parliament for that purpose; and if it be said that it has been plundered and robbed by Act of Parliament, who are to be called the plunderers and robbers? Why the King, the Lords, and Commons. Can this, my lords, be said to be decent? These are terms that are very far from being proper upon any occasion in this House, and surely they are most improperly applied to the parliament's disposing of that fund, which by its first institution was, and ever since has continued to be entirely at the disposal of parliament. The sinking-fund is to be appropriated to the payment of the public debts, from year to year, by authority of parliament; but if the parliament shall think proper to dispose of any part of it, or even the whole in any one year to some other use, they certainly may; the disposing of it in such a manner is neither plundering, or misapplying. For my own part I must beg leave to say, that I do not know what the noble lord means by the resolution he proposes. The sinking-fund is in its own nature to be applied yearly to the payment of the public debts, unless the parliament shall, in any one year, think the applying of it to some other use will be more beneficial to the nation: and I hope your lordships do not mean by such a resolution to tie up this House, in all future sessions, not to apply that fund to the use which shall then be deemed most for the benefit of the nation; even an act of parliament could not have such an effect: are your lordships to make a resolution which is to be held more sacred, and more unalterable, than an act of parliament? Are we to resolve not to trust ourselves for the future with the management, or the disposal of this money? In short, my lords, such a resolution as what is proposed, is, in my opinion, quite unnecessary, and if agreed to, it could be of no manner of use.

As for the paying off the public debts, and relieving the nation from the taxes it now pays, I am as much for it as any lord in this House; but, my lords, if it were possible to pay off all our debts in one year, it would not be prudent to do so: the debts are to be paid off gradually; there would be great danger in paying off too many of them at once: by such a glut of money coming to be thrown at once into the hands

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of private men, the interest of money in this nation would be run down lower than the circumstances of Europe could at that time admit of; the certain consequence of which would be, that vast sums of money would at once be carried out of the nation, in order to place it at an interest somewhere else; this would drain us of all our ready money, which of consequence would put an end even to our paper-credit, and thereby the interest of money would in a little time be raised higher, than would be consistent either with the trade or with the credit of the nation.

I should be glad, my lords, to see this nation free of most of the taxes now charged upon it; but I cannot believe that those taxes are so burthensome upon our trade, or that our manufactures are in such decay as some lords have been pleased to represent; I believe both our trade and our manufactures are at present in as good and as thriving a condition as they ever were: our people, it is true, pay taxes, but I would gladly know where there is a people that pay none: I believe there is not now a country in Europe where the taxes are less burthensome to the people than they are in this, nor is there a country in the world, where an industrious tradesman may live more happily; and therefore we need not be much afraid that any industrious and frugal tradesman will leave us. The fact I take to be otherwise; I believe there are many more foreign tradesmen come yearly to settle in England than there are of our natives who go to settle in any foreign part.

If, my lords, it be laid down as a maxim, that every application of the sinking-fund to any other use besides that of paying off the public debt, is to be looked on as a misapplication, then certainly the applying it towards the redeeming of any of our taxes must be deemed to be a misapplication; and therefore I hope that those lords, who insist so much upon its being a fund sacred to the payment of our debts only, will be against the resolution proposed.

Lord *Carteret* spoke thus:

My Lords; If we inquire a little into the rise of the sinking-fund, we may easily find that the public creditors have not only some sort of right, but a most just claim to that fund. We all know that the fund, which is now called the sinking-fund, arose from the diminution of the interest payable to the creditors of the public: they had formerly, at least most part of them had, an interest of six per cent. or above; and while that interest continued, the whole sinking-fund was actually appropriated to the payment of the yearly interest due to them; but then, my Lords, there was no fund established for the payment of their principal money; this made all those who had a concern for the public uneasy; and without doubt there were many of the public creditors who were not quite easy under such circumstances; therefore they have all consented by degrees to the reducing of their interest to four per cent. Thus have they given up one third part of their yearly interest, in order to secure the payment of their principal money; and for this reason they certainly have not only an interest in the sinking-fund, but a right to claim that it may never be applied to any thing but the gradual payment of the principal money due to them.

I am surprised, my Lords, to hear it said, they have a right only to their yearly interest. Have they not likewise a right to come and demand their principal money whenever they please? It is true, they do not now want their money, there are none of them come at present to demand their money of the public; but from whence does this proceed? Does it not proceed from their being, by means of this very fund, secure, not only as to the regular payment of their yearly interest, but likewise that their principal money will be all paid at last? From hence it is, that all public securities sell at least at par, and therefore, if any public creditor stands in need of his money, he has no occasion to come and demand it of the government, because he may every day sell his security in Exchange-Alley at the full value; but if the sinking-fund should be taken away from them, if it should be entirely converted to some other purpose, they would be rendered less secure of the regular payment of their interest, and they must despair of ever having their principal; they could not then sell their public securities for the full value; or perhaps for any value, and consequently they would not only have a right, but they would certainly come and demand payment of their principal money from the public.

But, granting that the public creditors neither do, nor ever will demand payment of their principal money, is that, my Lords, any reason for the public never to think of paying them? If a man has a mortgage upon my estate, and does not desire it to

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be paid off, because he has a higher interest, more regular payments, and a better security from me than he can find any where else; surely that can be no reason for my delaying to pay him off: On the contrary it is one of the best reasons can be given for my paying him off as soon as possible.

The public measures now seem to be much changed from what they were a few years ago; it was then thought that those taxes which are the most grievous to the poor, were the most proper to be first redeemed. This measure seemed then to be so much the favourite of the government, that his Majesty from the throne recommended to us the relieving of the labourers and manufacturers from those taxes which lay most heavy upon them; and in pursuance of his Majesty's most gracious speech, the tax which was justly deemed to be the most grievous upon them, was in that session of Parliament taken off. But, my Lords, this salutary measure was all of a sudden quite altered; what the poor labourers and manufacturers had done to merit our indignation I do not know, but they were entirely forgot, the whole cry was for relieving the landed interest: nay, so far did this new measure prevail, that that very tax which had been taken off as the most grievous on the poor, was again laid on for the pretended relief of the landed gentlemen.

I say, my lords, the pretended relief of the landed gentlemen, for it was but a pretended relief, as all those reliefs will for ever prove to be, which are given by substituting a tax upon the necessaries or the conveniences of life, to the whole or to any part of the land-tax. It is certain that the landed interest suffers much more by the many taxes we now pay than they ever can do by a land-tax, were it to be double the highest that was ever heard of in this nation. There is not a guinea that a landed gentleman pays out of his pocket for the necessaries or convenience of life, but what there are at least eight shillings of it go towards the payment of those taxes to which these things are subjected; and this every landed gentleman in England must pay to those with whom he deals, besides the land-tax which he pays directly to the public. If then a landed gentleman who spends the income of his estate yearly, were free of all those other taxes, if he could have have as many of the necessaries and conveniences of life for thirteen shillings as he now has for a guinea, could he not then easily pay even four shillings in the pound land-tax, in case the same should be found necessary for the safety of his country?

To pretend, my lords, that applying a part of the sinking-fund to the current service of the year, is a providing for that service without contracting any new debt, or laying any new tax upon the people, is a mere imposition upon the public. What is necessary for the current service ought always to be raised within the year; the contrary method tends to the ruin both of the trade and the credit of the nation: it is a temporary expedient which must always be attended with fatal consequences, and looks as if an administration were suspicious of their interest in parliament, or were afraid of asking from the people what by their measures they had made necessary for the current service of the year. Though the landed gentleman be eased a little, though no new tax be laid on, yet it cannot be said that the current service of the year is provided for without running the nation in debt. The applying towards the service of the year that money, which ought to have been applied towards the payment of an old debt, is the same thing with contracting a new debt.

But, my lords, this is not the only mischief, we are not only putting off the payment of old debts, but we are every year running into new. Why might not these surplusses, as they are called, have been applied towards the payment of a part of the navy-debt, lately contracted? Do not the accounts upon our table shew us what a large sum is lately become due to the navy? There is now above a million due upon that single article, which must some day be provided for by parliament. Some temporary expedients may be found out for putting off that provision for a little time; but such expedients are always ruinous; the longer such a necessary provision is put off, the greater handle is given to usurers and extortioners to make unjust advantages of the poor officers and sailors belonging to the navy, and the more heavy it will fall upon the nation at last; either the sinking-fund must be at last applied to the paying it off, or the people must be charged with some new tax for that purpose: I do not know but that there may be designs of making that debt a pretence for continuing one of the most pernicious taxes, that was ever laid on the poor of this nation.

To pretend that there is a danger in

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paying off too much of the public debt at once, really seems to me to be something very extraordinary. Our sinking-fund is not so great, nor can it ever be so great as to give the least foundation for such fears; if it were most exactly and most religiously applied to that purpose for which it was originally designed, there would be no danger of people's carrying their money out of this nation. There are, my lords, but few countries in the world where there is any great credit, either public or private, and in all those where either the one or the other abounds, the interest of money is rather lower than it is in this country; so that if the interest of money in this nation were run down a good deal lower than it is, we should be but upon a par with some of our neighbours; and when people saw that in this country the public faith was in every circumstance exactly observed, they would be so fond of continuing their money in this country, that they would accept of a lower interest here than they could have in other countries, more especially in those countries where the security has always been very much suspected.

The noble lord who spoke last seems to mistake the resolution proposed. The applying of the sinking-fund towards redeeming taxes is the same, my lords, with applying it towards reducing the public debts; for as our most grievous taxes are pledged to the creditors of the public, those debts for which they are pledged must be paid off before the taxes can be redeemed; so that the resolution moved is something more strong than if it had been in the general words, That the sinking-fund ought always to be applied towards the reducing of the public debts; for these general words plainly appear to be included in the resolution; and further, that it ought first to be applied towards the paying off those debts, for which the taxes most prejudicial to our trade and manufactures are mortgaged; for till those debts are paid off we cannot abolish those taxes; but the debts being once paid off, and those taxes thereby redeemed, it will then, and not till then, be in the power of parliament to consider whether or no the tax ought to be abolished. The resolution therefore as moved for is a most proper resolution, and cannot be put in better or stronger terms than the lord who made the motion has put it. Such a resolution is, my lords, become absolutely necessary; it is shewing to the other House what is the opinion of this; it is shewing to the whole nation that the sinking-fund is for the future to be deemed sacred; it is not a tying up of this House to any thing but what we ought to be tied up to. Though a private man be absolute master of his own affairs, yet every prudent man lays down to himself some general rules, from which he never departs without some very urgent necessity. In this House we do the same: how many standing orders have we made? I hope it will not be said that all our standing orders are useless, because we may depart from them, or alter them when we have a mind. If this resolution be agreed to, it is certainly to be understood in the same sense as all our standing orders are; it is never to be departed from but in cases of the utmost necessity.

The Earl of *Scarborough* spoke next:

My Lords;—I am very well convinced that the Sinking Fund ought never to be applied to any thing but that for which it was established, and for which it was originally intended; and I hope that your lordships are not only now, but always will be of the same opinion; I hope, that that sacred fund will never for the future be applied to any use but that of paying off and discharging the public debts, except in cases of the utmost extremity. This, my Lords, is my way of thinking, but yet I cannot agree to our coming to such a resolution as the noble lord has been pleased to propose. Surely we do not mean, we cannot pretend to tie up the hands of the legislature so, as that they must never touch that fund, even in the times of greatest danger and necessity. If there should arise a wicked and unnatural rebellion in the country; if the nation should happen to be invaded, and 30 or 40,000 foreign troops landed in our dominions, are we to tie ourselves up, so that the Sinking Fund is not even in such a case to be touched? There is no man can foresee all that may happen. There are many other cases may happen, in which it might be more for the benefit of the nation to apply a part of that fund to some other use, than to apply the whole to the payment of the public debts.

We do not know, my Lords, what inconveniences, what ill consequences may be occasioned by our having such a resolution entered upon the journals of our House: There is one terrible consequence which now occurs to me, and which, in my opinion, may very probably arise from

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our coming to such a resolution. It may very naturally be the cause of a difference between the two Houses of Parliament, which would be of the most dangerous consequence to our constitution: The other House may, perhaps, look upon it as a directing of them in what they are to do with respect to the application of that fund: Or, if the other House should not take it amiss, yet if they should upon any future emergency, which they thought pressing, apply a part of that fund otherwise than to the payment of the national debt, your lordships might perhaps think yourselves in honour bound up by such a resolution, so as not to agree with them in such application: This would naturally raise a contest between the two Houses, which would put a full stop to all the public business of the nation; and who can tell what might be the consequence of such a contest, or how long it might last?

This, my Lords, is one inconvenience which immediately occurred to me, and other lords may, I believe, foresee a great many more. As that fund is in its own nature sacred to discharging the debts of the nation, I hope that, without coming to such a resolution, your lordships will never agree to the applying of it in any other way, except in cases of the greatest necessity. Such a resolution I must therefore think quite unnecessary, and as I think it may be attended with dangerous consequences, I cannot agree to it.

Lord *Bathurst* spoke to this effect:

My Lords;—The noble lord who spoke last has made me think of an amendment to the resolution I proposed; and as I am always fond of having that noble lord's approbation, I shall therefore propose, that the resolution may be to this effect; "That it is the opinion of this House, that the produce of the Sinking Fund should be applied in future, towards redeeming such taxes as are most grievous to the subject, oppressive to the manufacturer, and detrimental to trade."

The Earl of *Scarborough* replied:

My Lords;—Besides the case of an invasion or rebellion, there are many other cases which may happen; and I believe I gave several other reasons for my being against coming to the resolution proposed; therefore, though I am very much obliged to the noble lord for the honour he does me, yet I cannot agree to the resolution even as now amended.

The marquis of Tweedale, the earl of Winchelsea, and the earl of Strafford spoke also in favour of this resolution: However, at last, upon putting the question it was carried in the negative without any division.

Protest on rejecting a Motion respecting the Produce of the Sinking Fund.]

"Dissentient"

1. "Because we conceive, That it would have been extremely for the honour of the House, and for the service of the public, to have this Resolution entered in our books, at a time when we have so far consented, in compliance with the House of Commons, to a Bill, by which near half a million collected from the Sinking Fund, in several years, is appropriated to the service of the present year.

2. "Because the Sinking Fund being composed of the surplusages of funds originally granted as security to the creditors of the public; and these surplusages arising chiefly from a reduction to 4 per cent. of the interest granted them, for the most part at the rate of 6 per cent. we cannot but think, that this saving ought to be applied, according to the most inviolable rules of equity, and according to the known design, and the repeated and solemn engagements of Parliament, to a gradual discharge of the principal to these creditors of the public, who have parted with a third of their revenue in this view, and upon this confidence.

3. "Because we apprehend, that the method of applying large portions of the Sinking Fund to the service of the current year, must, in effect, perpetuate the debts and taxes which lie on the nation, and is therefore injurious to the public. Had this whole fund been strictly applied from the beginning to its proper use, we think it may be demonstrated, not only that much more of the national debt might have been discharged, but that those taxes, which are most oppressive to the poor, and most prejudicial to trade, might have been already taken off, since upwards of 480,000*l.* per annum belonging, as we conceive, to this fund, has been applied to other uses.

4. "Because we apprehend, That it cannot be for the good of the nation, nor consequently for the honour of parliament, to separate those interests in the particular appropriations of the sinking-fund, which were so wisely and so justly united in the original and general design of it (the interest of the nation, and the interest

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of the proprietors of the national debts) the former was intended to be eased, and for that purpose the latter were to be cleared as soon as possible. If it be said therefore, that the creditors of the public do not desire to be cleared any faster than they are in the present method, nor object to the application of part of the sinking-fund to other uses, we apprehend that no argument, which ought to avail in a house of parliament, can result from such an assertion, because we conceive, that, in every instance of this kind, in every application of the sinking-fund, or of any part of it, we are to look on ourselves as obliged, not only to be just to the creditors of the public, but to be careful of the ease of the people, to keep the particular and general interests united, as they originally were, and not to sever them. If, in fact, the creditors of the public do not object to the application of such large proportions of the sinking-fund to other uses, than to the payment of the debts, it may be said, that no injustice is done them by any such application, according to the known maxim. 'Volenti non fit injuria.' Nay, it may be deemed for their private interest, to have such beneficial mortgages continued to them as long as possible, and they may desire therefore not to be cleared any faster than they are likely to be in the present method. But we apprehend, that it cannot be for the interest of the nation to have these mortgages continued any longer, than is absolutely necessary to discharge the debt secured by them, and that we by consequence, who are trustees for the people, ought to desire and endeavour, that the debts may be discharged, and the load of mortgages be removed as soon as possible. In this manner, public faith would be strictly kept, justice would be done, and no injustice could be done to the creditors of the public. In the other method, and by diverting such large portions of the sinking-fund, if it should be granted that no present injustice was done to the proprietors of these public debts, yet must it be allowed, as we apprehend, that great injury is done to the nation, unless it can be proved, that the unnecessary continuation of debts and taxes, is a national benefit.

5. "Because we conceive, that if the whole produce of the sinking-fund were not be applied to the discharge of the public debts, it would be much more for the ease of trade, and advantage for the nation, that some of those grievous taxes, out of which it arises, should cease, than that they should be continued to supply the current service at 4*l.* per cent. which might certainly be supplied by other ways at a cheaper rate. These taxes are not only grievous in themselves, but almost intolerable, by the manner of collecting them under the laws of excise: laws so oppressive to the subject, and so dangerous to liberty, that every man who wishes well to his country must, in our opinion, desire to see a speedy end put to them. Most of these taxes were laid during the necessity of two long and expensive wars, and were granted only for terms of years, that so the principal and interest of the loans made on them might be paid off in a certain limited time, thus the nation consented to pay, in some manner, a double tax, in order to avoid the long and uncertain continuance of such grievous and dangerous impositions; and, according to the first design, many of them would have been very near the expiration of their term at this hour. The wisdom of parliament indeed thought fit afterwards to throw these taxes, and the method of discharging these public debts into another form, which now subsists. But we cannot conceive, that this was done with a view for continuing our taxes and our debts the longer; on the contrary, we are sure it was done in the view of discharging both the sooner; and it is this very view which, we apprehend, must be fatally disappointed, if the present method of diverting any part of the sinking-fund from the payment of the public debts be suffered to continue.

6. "Because we apprehend, that this method may create the utmost uneasiness in the minds of his Majesty's subjects, and may tend, if not timely prevented by the wisdom and authority of this House, to diminish their affection for his person and government: hitherto whilst they have laboured under the weight of taxes, and groaned under the oppression of excise laws, the hope of seeing speedily an end put to both, has been their sole consolation; but nothing can maintain this hope, except a due application of the entire sinking fund to the discharge of those debts, for the discharge of which these taxes were intended and given. If some part of this fund therefore continue to be mortgaged off, and other parts to be applied to the current service, even in the midst of profound peace, this hope must sink, and despair arise in its stead. We insist with greater concern and earnestness on this point, from our observation of what has

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lately passed on the occasion of attempts to extend the cruel and arbitrary methods practised under the laws of excise, and naturally and necessarily, as we apprehend, flowing from them. If any new law of this kind had passed elsewhere, it could not have prevailed in this House; but we think it the more incumbent upon us, after such an attempt, and such national resentment expressed against it (both which are of public notoriety) to promote as effectually as we are able, the quiet and happiness of his Majesty's reign, by cutting off any hopes or fears which may be still entertained, that such a project will, at some time or other, succeed. And to this good and laudable end, we conceive, that nothing would have contributed more than such a solemn declaration of the sense of this House as is contained in the question.

——*(Signed,)* Bedford, Craven, Gainsborough, Winchelsea and Nottingham, Gower, Tweedale, Bridgewater, Kerr, Bruce, Carteret, Masham, Bathurst, Shaftsbury, Litchfield, Sunderland, Coventry, Strafford, Thanet."

Further Debate in the Lords relating to the Disposal of the Forfeited Estates of the South Sea Directors.] June 1. The House of Lords went upon the Examination of the Directors of that Company, &c. The present Directors of that Company were first called in and examined; after them the late inspectors of the Company's accounts, and lastly the former set of directors were examined. After which

The lord Bathurst moved this Resolution: "That it appeared to that House, that on the 5th day of December 1729, the general court of the South Sea Company then held, resolved, That the then present directors should be the trustees for the Company, with relation to the produce of the forfeited estates of the directors and others in the year 1720, vested in the Company by an act of the 7th of king George 1, and that the then trustees should surrender, and deliver over to the said directors, the said produce, and all the books of account, papers and writings relating thereto; in pursuance of the act, passed in the then last session of parliament. And that that was the only order or direction of any general court of the said Company relating to the disposal of the produce of the said estates." Upon this

The Earl of *Ilay* stood up and said,

That he would not oppose the motion in general, but he thought they could not positively affirm, that that was the only order or direction of any general court relating to the disposal of that money, and therefore he would propose an Amendment to the latter part of the noble lord's motion, which was, that it should run thus, "And that it did not appear to them, that there was any other order or direction of any general court of the said Company relating to the disposal of the said estates."

Which Amendment was agreed to by the lord Bathurst, and then his motion, thus amended, was agreed to by the House without any opposition.

Then the earl of Winchelsea moved for the House to resolve, "That the disposing of the forfeited estates of those who were the directors of the South Sea Company in the year 1720, without any order or direction of a general court for that purpose, was contrary to law." This motion he said he hoped was such as he had no occasion to say much in support of, because the words of the act of parliament were so plain and express, that it was a certain consequence of the resolution they had just then come to.

The Lord Chancellor offering to put the question upon this motion,

The Duke of *Devonshire* stood up and spoke to this effect:

My Lords:—I cannot agree to this motion, because I think it is anticipating the judgment of this House in an affair which may perhaps come before us as a court of judicature. It is true, my Lords, that there does not appear to us to have been any other order or direction of any general court of that Company for the disposal of those forfeited estates, except that which is mentioned in our former resolution; but still there may be other orders; and granting that there never was any other order, yet we ought not I think to pass judgment even upon that order, without having all proper parties before us, and the case fully debated and considered. As the resolution proposed is a sort of decree or determination as to a point in which private men are certainly concerned, we ought not to pass it till the parties concerned are properly before us, and are fully heard as to what they may have to say against it, for which reason I cannot, my Lords, agree to the resolution proposed.

The Bishop of *Bangor* took notice,

That he could not agree to the resolu-

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tion, because he thought it would be in some manner a giving of directions to the courts below, how they were to determine, in case that affair should in any shape come before them.

The Lord *Carteret* spoke thus:

My Lords; The words of the Act of Parliament are so plain and express, and the resolution moved for by the noble lord near me is so exactly agreeable to those words, that I am really surprized to hear my lord signify the least scruple as to agreeing with the motion. The words of the law are, that the produce of those forfeited estates shall be disposed of by the orders and directions of the general courts of that company, 'and not otherwise': the words of the Resolution are, That the having disposed of that produce otherwise is contrary to law. Can any thing be more evident? There may be orders of the general courts of that company relating to the disposal of this money which your lordships have not seen; but can the possibility of there being any such be an argument against agreeing to this resolution? We do not by the resolution proposed affirm, that there never were any orders of a general court for directing the disposal of that money: we affirm no fact: we only declare our opinion in a point of law, which to me is as clear and as evident as any demonstration I ever met with.—Suppose, my lords, that this affair does come before some of the inferior courts, and that it does then appear that there were other orders of the general courts of that company for directing the disposal of this money, besides that which has been laid before your lordships, the resolution now moved for could not in such a case be any direction to the inferior courts; they would certainly be at as full liberty as if no such resolution had ever been made; and if it should appear before any of the courts below, that no other order was ever made by any general court of that company for directing the disposal of this money, could any court determine otherwise than according to the Act of Parliament? My lords, the case is so plain, the words of the law are so very express, that I cannot think there is any occasion for hearing the point debated, there is no room for consideration, and therefore I shall be for agreeing to the resolution.

The Earl of *Ilay* spoke next as follows:

My Lords; Though there were really no other order, or direction of any general court of the South-Sea Company relating to the disposal of the money in question, besides that which has been laid before your lordships, I do not know but that it may be pretended, that even the order which your lordships have seen was a sufficient authority for the disposal of that money: It was certainly a sufficient authority for the trustees to deliver the produce of those estates to the directors of that company, and when in pursuance of that order it was delivered into the hands of the directors, I do not know but that it may be said, that the terms of the Act of Parliament were then complied with, and that the directors might thereafter dispose of it in that way which they thought most beneficial for the company, as they do of some other parts of that company's property, without any particular order of a general court for that purpose. This is a question, my lords, which I shall not pretend now to determine; I shall not so much as offer any arguments either of one side or the other, but from thence I conclude, that even the order which we have seen deserves some further consideration, before we come to any such resolution as is now proposed; for after your lordships have seen and considered that order, your coming to such a resolution is certainly a determination, that the order you have seen and considered, is no proper or legal order for the disposal of that money: the courts below will certainly look upon it as such; and even though they should be of opinion, that that order was a sufficient authority for the disposing of that money, and that no future order was requisite, yet they would be loath to give a judgment so contrary to what appeared to have been the judgment of this House.—The point now before us cannot be said to be an indisputable point, and therefore I must think that your lordships coming to such a resolution is a determining of a question in dispute, and a making a sort of decree against the gentlemen who were at that time in the management of that company's affairs, before they have been heard either by themselves or their counsel upon a question in which both their honour and interest are so nearly concerned: this, my lords, is a method of proceeding which, I hope, this House will never come into; I hope your lordships will never come to any resolution which may affect either the character or the estate of any private man, without first giving him an opportunity to be heard against it.—We ought, my lords, to consider that we are a

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Court of Equity, and though it should appear the money arising from those forfeited estates had been disposed of without such an authority as was necessary in the strict terms of law, yet if it has been disposed of in the best manner for the benefit of the company, the then directors ought in equity to stand acquitted, they ought not to be loaded with any thing like a sentence of so august an assembly against them, and therefore, my lords, it is really my opinion that you ought not to come to such a resolution as now moved for until the affair comes properly before you, and all parties are heard what they have to say either in law or equity in their own behalf, for which reason I must move for the previous question.

The Earl of *Scarborough* spoke next:

My Lords;—As to the order of the general court of the South-Sea Company, which has been laid before your lordships, surely it cannot be looked on either in law or equity as an order directing how the money in question was to be disposed of, nor can it ever be presumed that it will be the opinion of any court, or of any man, that an order directing only who should be the trustees of the Company as to that money, was an order for directing to what uses it ought to be applied; therefore, if that point were to be expressly determined, it could not be any bad consequence in any case whatever; but by the resolution proposed, even that question, if it must be called a question, is not to be expressly determined: We are now, my Lords, to determine nothing but a point of law, and a point of law which to me appears so plain that I cannot hesitate one moment in giving my opinion. The words of the act of parliament are so very express, that there can be no doubt of its being contrary to law, to dispose of that money, without any order or direction of a general court for that purpose; and I am sure it is as plain, that the delivering of that money by the trustees to the directors is not such a disposal of the money as is intended by that act.—If it shall afterwards appear, that the produce of those forfeited estates was disposed of according to the directions of general courts, the resolution, or if your lordships please, the determination now proposed can affect no man, and if there never was any other order or direction of a general court for that purpose, besides what we have seen, our resolution can affect none but those who, without all question, are guilty at least of an error, for which they certainly deserve to be censured.—I do consider, my Lords, that this House is a court of equity, but the resolution moved for has relation only to a point of law, it has no manner of relation to equity, nor can any man be thereby debarred from having relief in equity, either before your lordships, or before any of the courts of equity below; and therefore, if those gentlemen should hereafter come to shew, that though they neglected the due forms of law, they did nevertheless dispose of that money in such a manner as was most for the benefit of the Company, I should not think myself any way restrained by this resolution from giving them all the relief in equity that their case can deserve. And therefore I shall make no scruple of agreeing to a resolution which I think just, a resolution which I really think absolutely necessary, because it will oblige those who are concerned to be at pains to clear up, if they can, an affair which is certainly as yet very obscure, and which your lordships are in honour obliged to see fully cleared up, if it be possible.

Besides these, the duke of Newcastle spoke against the resolution, and the earl of Chesterfield for it. At last the previous question being put, it was carried against the resolution by a majority of five.

June 2. The Lord *Bathurst* stood up and spoke thus:

My Lords;—Notwithstanding all the pains your lordships have been at in your enquiries as to the disposal of the produce of the forfeited estates, of those who were directors of the South Sea Company in the year 1720, I cannot say that I have met with any satisfaction as to that affair; I believe there is no lord in this House who can say he has met with a full satisfaction as to that particular. It appears that the accounts of that Company have been so blended together, and have been kept in so confused and irregular a manner, that there is no coming at the knowledge of any one particular, without a thorough enquiry into the whole. From what already appears to your lordships, I believe, you will be all of opinion, that such a general enquiry is now become absolutely necessary; because we are, in my opinion, obliged in honour to see the affair relating to the diposal of those estates fully cleared up; and since we now see that there is no possibility of doing it without a general enquiry into the whole affairs of that com-

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pany, we are, my lords, in honour engaged not only to enter upon, but to carry through that enquiry with the utmost exactness.—By the very first act of parliament that was made relating to this affair the trustees were directed to give a particular account, in writing, to the King, and to either House of Parliament, of the effects of their proceedings. To what end, my lords, were the trustees directed to give such an account? Must it not be to the end, that the King, and the two Houses of Parliament, should be as it were the guardians of the company, with respect to the produce of those estates? The intention certainly was, that the King, the Lords, and the Commons should see that money fairly collected, and honestly disposed of for the benefit of the proprietors of that company, according to the directions of that act, or any future act of parliament that should be made for regulating the disposal of that money. This House therefore is in honour obliged to see that it was honestly disposed of. In such a case are we to satisfy ourselves with being told, that though the terms of the Act of Parliament were not strictly complied with, yet the money was equitably disposed of for the benefit of the proprietors; especially when this equitable disposal comes out at last to be, a disposal of it towards payment of debts, as to which no man can tell how or when they were contracted? And, my lords, I must observe, that it looks much the more suspicious, because that such a large debt was paid off without any orders or directions of a general court of that company for so doing; if such directions had been asked for, it may at least be presumed that the general court would in their turn have asked, how such a large debt came to be contracted?—Therefore, my lords, as a general enquiry into that Company's affairs is become absolutely necessary, and as it cannot be supposed that we shall have time during this session of parliament, to go through such a general enquiry, I shall take the liberty to move, that a Committee may be appointed to examine into the management of the affairs of the South Sea Company ever since the year 1720, and for that purpose to sit during the recess of parliament at such places and times as they shall appoint, and that they may have power to send for persons, papers and records.—The appointing of such a Committee is, my lords, a method that in former cases has been practised by both Houses; and if the other House thinks proper they may likewise appoint a Committee of their House, to sit in conjunction with the Committee to be appointed by your lordships, to the end that both Houses may, against next session of parliament, be made fully acquainted with all the proceedings and transactions in the management of that company's affairs. By this method, my lords, if there has been any mismanagement, as it seems apparent there has, your lordships will then be able fully and clearly to discover who have been the authors of such mismanagement; you will be able to distinguish between the guilty and the innocent: the characters of the latter will thereby be vindicated from those jealousies and suspicions they now labour under, and upon the guilty, I hope, your lordships will inflict such penalties as may prevent all such practices for the future. This Committee which I now move for, ought, I think, to be chosen by ballot, and may consist of any number your lordships shall please to appoint; seven will, I believe, be sufficient, and therefore I shall move for that number.

The Lord *Carteret* spoke as follows:

My lords; I shall readily agree with this motion, because I think we have met with so little satisfaction as to the particular affair we have enquired into, that it is incumbent upon us, we are, out of that regard which we ought always to have for the honour and dignity of this House, obliged, we are in duty to our country bound to proceed further, and to make a general enquiry into the whole management of that company's affairs, ever since the year 1720. The creditors of the public ought always to be under the special care of the public; and as this House has joined with the other parts of the legislature in vesting almost the whole debts of the nation into the three great companies of East-India, Bank, and South-Sea, your lordships are, I think, in honour obliged to take care, that the creditors of the public shall not be cheated and defrauded by those, whom they may from time to time chuse to be the directors and managers of their affairs. —This, my lords, ought always to be our care, but more especially are we bound to look for it, when some very odd pieces of management appear even at the bar of our own House. If the books of the South-Sea company had been kept in a distinct and regular manner, it would have been easy for your lordships to have had from them all the satisfaction that could have been de-

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sired, either with respect to the general state of that company's affairs, or with respect to any particular branch of their business; but from the enquiry we have already made, it appears that the books of that company have been kept in a very confused and irregular manner; in such a manner as is altogether unintelligible to those who are strangers to the management of their affairs, and cannot, we find, be explained even by those who are the book-keepers and servants of the company. From hence, my lords, I think there is great cause to suspect some lurking frauds: In this as well as in all such cases, I am apt to believe, that this obscurity proceeds from a design; that their books were kept in this confused manner on purpose to conceal some practices, which the managers durst not venture to expose to public view.—This consideration alone is sufficient, in my opinion, to engage your lordships to enter into a general inquiry as to the affairs of that company; and since it appears that such an enquiry must take up a very long time, and will require an exact scrutiny into many volumes of books of account, I think the only effectual way of carrying on such an enquiry will be, to appoint a Committee for that purpose, to sit during the recess of parliament, in order that they may have time to prepare matters, and to put the accounts of that company into as distinct and clear a method as is possible between this and next session of parliament; for which reason I am for agreeing with the motion made by the noble lord near me.

The Duke of *Newcastle* spoke next:

My Lords; I shall always be ready to join in any measure which I think proper and consistent with our constitution, for inquiring into the management of any public affair, when such Inquiry becomes necessary; but as to the appointing of such a committee as is now proposed, I must think it neither proper nor consistent with our constitution. I even doubt, my lords, if such a committee can be appointed any other way, than by an Act of Parliament; for if this House should assume a power of appointing such committees, it would be giving in some measure a perpetual being to this House; it would be putting it out of his Majesty's power to prorogue the House, for if we did not sit as a House, we might be always sitting as a committee; we might delegate what power we pleased to such committees, we might make them of what number we pleased; we might even order that every lord that came should have a vote. If such a committee should be appointed, it would not be easy, my lords, to confine it to any particular branch of business; it would not be easy to confine them to the inquiring only into the affairs recommended to them by the House, they might find pretences to inquire into any other affair they pleased, as being some way connected with the affair into which they had been appointed to inquire, and thus they might extend their inquiries into all the public affairs of the nation, and into all the business of the administration. A Committee of both Houses sitting during the recess of parliament, with power to send for persons, papers, and records, and without any restraint upon that power, would be a most terrible thing, and might be turned to the oppression of many of his Majesty's best subjects.—But granting, my Lords, that the appointing of such a committee, in the manner now proposed, is consistent with our constitution, yet, I believe, your lordships will allow, that it is a very extraordinary method of proceeding, and therefore never to be practised but in matters of the greatest consequence, and such as require the utmost dispatch, neither of which can be so much as pretended with respect to the affair in hand. It is so far otherwise, that, in my opinion, there has nothing of a fraud appeared in the late management of the South-Sea Company's affairs, from any inquiries we have made: It has, my lords, been made appear at your bar, that the produce of the late directors estates was all applied to the benefit of the proprietors, by paying off the Company's debts; and if such application was made without the directions of a general court, it was only a mistake as to form, it was only neglecting to have that express approbation, which the directors might have had from any general court of that company; and as that was a public transaction, and well known to all the proprietors, their never having found fault with it in any general Court of that company, held since that time, is in my opinion, a tacit approbation of what was then done.—But, my Lords, if it had actually appeared to us, that there had been frauds committed, if any of your lordships are suspicious of such a thing, you may, at the beginning of next session of Parliament, enter upon such an inquiry, and if you enter upon it at the beginning of a session, you may certainly finish it

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before the end of the session: In the mean time neither the affair itself, nor the company, nor any private person, can suffer by the delay: It is not so much as suspected, that any gentleman, concerned in the late management of that company's affairs, will withdraw; and the books of the company, and all the papers and writings necessary for such an inquiry, must remain in the state they are now in? It is not to be supposed, that any of them will be altered, cancelled, or destroyed, because the affairs of that company are now under the management of a quite different set of gentlemen, who, of consequence, have the custody of all those books and writings, and who will certainly never permit any thing to be done, that may involve them in the guilt of other men.—In short, my Lords, whatever state the company's affairs may be in, as there does not appear to us any complaint among the proprietors of that company; since no application has been made to us by them, I can see no necessity for our entering upon it immediately, and, for that end, to make such an encroachment upon our constitution, as would be made by appointing a committee in the manner proposed, and therefore I cannot agree to it.

The Earl of *Chesterfield* spoke as follows:

My Lords;—The appointing of such a Committee, as is now proposed, is, in my opinion, no way inconsistent with our constitution, but, on the contrary, has been frequently practised, and is often necessary for preparing things to be laid before the next session of Parliament. From such a Committee there is nothing to be dreaded by any but those who have been guilty of crimes, and under a just and prudent administration criminals ought never to be left at ease; it ought always to be the lot of the guilty to be under continual fears and apprehensions; it is what they always will be, whether we appoint such a Committee or no. It will be impossible for this House, or any committee we shall appoint, to inspect and examine so many voluminous books of accounts, or to extract any thing that may be clear and satisfactory, out of such a heap of confusion, during such a short time as that of the usual continuance of one Session of Parliament.—As to there being no application from the proprietors, it is of no manner of signification in the present case: It is well known that there are loud complaints against the late management of that company's affairs, and from what we have seen and heard at our bar, it appears, that these complaints are not altogether groundless. Our having had no application from the proprietors of that company made to us, is, I think, so far from being an argument against our entering upon an inquiry, that it is a strong argument for it; considering what we hear without doors, considering what we have seen within doors, the want of such an application ought to be to us a convincing proof, that most of those who usually compose the general courts of that company, are under an influence which prevents their looking into their own affairs. But consider, my lords, that, among the proprietors, there are many widows and orphans, there are many persons who cannot appear at general courts, or look into the management of their own affairs; these, my lords, are properly under your care, and I hope your lordships will never think that time ill spent, which is spent in doing what may prevent the entire ruin of the widow and the fatherless.—From experience we may learn, that the proprietors of public stocks never come to either House of Parliament to complain, till their affairs are past redress; as long as they can sell their property at any price, they are afraid of applying for redress, lest the current price of their property should thereby be diminished; and therefore they never come to complain as long as there is any thing left. Then indeed, my lords, they resolve upon applying to Parliament, and, upon such occasions, we generally find that women and children are the greatest sufferers.—To conclude, my Lords, as neither your lordships nor the public have received any satisfaction from the inquiry hitherto made, it is become necessary for us to appoint such a Committee as has been moved for, because if this session should break up without proceeding any further than we have yet done, it will be believed that the whole affair is at an end; from thence, my lords, there may be conjectures made by the public, which may be derogatory both to the honour and dignity of this House, and therefore I am for agreeing with the motion the noble lord by me was pleased to make.

The earl of Strafford declared, that he was for the motion, but said, that as the last committee of that nature had consisted of 12 lords, therefore he would propose that the motion should be for appointing a

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Committee of Twelve; which the lord Bathurst agreed to. The bishop of Lincoln spoke for the motion, and the earls of Ilay and Warwick, the lord viscount Falmouth, and the bishop of Bangor against it.

Motion for appointing a Committee of Twelve to inquire into the Proceedings of the South-Sea Company.] The question being put, "That a Select Committee be appointed of Twelve Lords, to be chosen by ballot, to examine into the transactions and proceedings of the South-Sea Company, from Feb. 2, 1720, and to lay their report before the House;" it was resolved in the negative. Content 70, Not-Content 75.

Protest against rejecting the said Motion.]

"Dissentient'

1. "Because the present debt of the kingdom being almost wholly incorporated into the three great-companies, it behoves the legislature who are the proper guardians of the public creditors, to take all possible care that they suffer no injury in their estates, by any frauds committed in the management of them; For though the directors are chosen by a general court, they are invested with such extensive powers, that they are capable, by abusing their trust, of doing infinite mischief to the proprietors, unless their proceedings are vigilantly watched and controuled by that supreme authority under whose sanction they act, and by which only such practices can be effectually prevented or punished.

2. "Because this House having been induced, by the reasons before-mentioned, to begin an inquiry into the management of the South-Sea Company, we apprehend, that our honour is engaged to answer those expectations which the public had so justly conceived from it; and since the advanced season of the year will not permit us to finish this examination during the present session of Parliament, we apprehend a Committee was the only proper way left to unravel such dark and intricate affairs, which require a very nice inspection into many voluminous books; it appearing to us, by what we have seen and heard at our bar, that the accounts of this company have been kept in a very confused, irregular, and unwarrantable manner, in order, as we apprehend, to conceal frauds, and defeat all inquiries.

3. "Because the great distresses and calamities of the year 1720, having been occasioned by the directors, at that time, declaring such extravagant dividends as the Company was not able to support; the legislature have, in all their acts relating to this Corporation, which passed since that time, taken the utmost care to prohibit and restrain the directors from being guilty of the like practices; yet notwithstanding this, they have been so far from taking warning from the examples made of their predecessors, that it appears by the accounts laid before the House, that although by the cash which came into their hands, and by the sale of four millions of stock to the Bank, and by the loans of stock and otherwise, they were sufficiently enabled to pay off the debt of 5,400,000*l.* then owing to the Company, as in justice and prudence they ought to have done; yet influenced, as we have reason to believe, by the corrupt views of some few, who may have assumed to themselves the whole management of the affairs of this Corporation, they left great part of their debt on bonds at interest unpaid, and by unwarrantable dividends out of the money, in order to give a fallacious value to their stock, multitudes of his Majesty's subjects have been defrauded; and they have without the knowledge of the proprietors, not only dissipated above 2,300,000*l.* received from the directors estates, but they have likewise brought a new debt of 2,000,000*l.* upon the Company, and thereby diminished the capital of every proprietor's stock, by which means great injury and injustice have in numerous instances been done to orphans and the reversionary heirs of those estates, to the great dishonour of the public faith, and discredit of the nation.

4. "Because although the directors applied to Parliament in the year 1727, for their authority to dispose of the produce of the estates of the forfeiting directors, pretended to be then remaining in their hands; yet it appears by the accounts now before us, that the greatest part of this money had been before actually divided out in extraordinary dividends; and when, in order to give some colour to these proceedings, they obtained an act of Parliament to dispose of these estates, they never called a general court to acquaint them with the state of this account, or to take their directions for the application of any remaining part of these estates, notwithstanding they were expressly required so to do by the said act.

5. "Because there is reason to believe,

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from a general view of the same accounts, that there are many articles, hitherto unexamined, under which a multitude of frauds may be concealed, such as buying, selling, creating, and issuing of bonds; employing irregularly the cash of the Company which lay in their hands, whilst the proprietors were paying interest for money borrowed of the Bank; transacting stock abroad, and selling fictitious stock at home, with many other practices of the like nature, too long and various to be particularly explained: for these reasons, we conceive, it was absolutely necessary to have appointed a Committee, as the only method to distinguish the few who probably are criminal, from many gentlemen who may at present lie unjustly under the same imputation, especially at a time when a Bill was actually depending for dividing the capital of this Company, three-fourths into annuities, and leaving the remaining quarter to be a trading stock, with a large debt and demands upon it unliquidated, and the value of it consequently unknown; which, should it pass into a law, will, in all probability, promote and encourage the infamous practice of stockjobbing, to the ruin of great numbers of his Majesty's subjects.

6. "Because the other House have frequently appointed Commissioners to inspect the public accounts during the interval of Parliament, as the only practicable method of arriving at any knowledge in such affairs; a method, indeed, too much disused of late years: we therefore apprehend, that no just objection either was or could be made to a Committee, which is perfectly agreeable to the nature of our Constitution, cannot be of any prejudice to the Company, and, being confined to a particular inquiry, can give no grounds of apprehension to any but those who are afraid it may lead to farther discoveries of iniquitous contracts and corrupt bargains, in the settlement and transactions of this Company since the year 1720, which some persons have endeavoured with so much industry to conceal.

7. "Because we think it highly expedient, at this time, to vindicate the public faith of the nation, lest foreigners should be induced, by the many instances of fraud and corruption which have been of late discovered in other corporations, suddenly to draw their effects out of our funds, and thereby totally destroy public credit, and plunge us into inextricable difficulties.

8. "Because the arts made use of to divert us from our duty, and to defeat this inquiry, give us reasons to prosecute it with fresh vigour; for impunity of guilt (if any such there be) is the strongest encouragement to the repetition of the same practices in future times, by chalking out a safe method of committing the most flagitious frauds under the protection of some corrupt and all-skreening minister.

9. "For these reasons we think ourselves under an indispensable obligation to vindicate our own honour, by leaving our testimonies in the journals of this House, that we are not under the influence of any man whatsoever, whose safety may depend on the protection of fraud and corruption; and that we entered upon this inquiry with a sincere and just design of going to the bottom of the evil, and applying to it the most proper and effectual remedies.———

(Signed,) Bedford, Strafford, Bathurst, Litchfield, Suffolk, Shaftesbury, Winchelsea and Nottingham, Craven, Tweedale, Cobham, Coventry, Stair, Montrose, Bridgewater, Thanet, Chesterfield, Carteret, Berkshire, Bruce, Marchmont, Masham, Gower."

REPORT FROM THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO INQUIRE INTO THE FRAUDS AND ABUSES IN THE CUSTOMS.] June 7. Sir John Cope, according to order, reported from the Committee * appointed to inquire into the Frauds, and Abuses in the Customs; to the prejudice of trade, and diminution of the revenue; that the Committee had agreed upon a Report of their proceedings, which they had directed him to make; and he read the Report in his place; and afterwards delivered it in at the clerk's table. And the said Report was read, as follows:

The REPORT of the COMMITTEE appointed to inquire into the Frauds and Abuses in the CUSTOMS, to the prejudice of Trade, and Diminution of the Revenue.

The Committee appointed to inquire into the Frauds and Abuses in the Customs, to the prejudice of trade, and diminution of the revenue, have proceeded with the utmost diligence in the said inquiry; but it is with concern they observe, that the

* See p. 10.

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frauds and abuses in the Customs are, as appears by the several Papers and Accounts laid before them, and the several informations they have received, so very extensive, and in so many branches of the revenue, that your Committee are sensible the shortness of the session will not allow them to lay before this House so complete a report, as they might otherwise have done; however they thought it their duty to acquaint the House with their proceedings as far as they have been able to go.

Your Committee found it necessary, to avoid confusion, to proceed in the examination of the frauds committed in each branch of the revenue, singly; and, on examining the several papers referred to them by the House, they observed, they chiefly related to the frauds committed in the Tobacco trade; and therefore determined to proceed, in the first place, on that branch; to which they had likewise other inducements, arising from the great importance of this trade to the nation, the greatness of the loss to the revenue, by the extensiveness of the frauds, and the complaints of the planters in Virginia, of the hardships they labour under, even to the hazard of their utter ruin, and consequently of the intire loss of this commerce, so highly beneficial to this kingdom.

In order to make the following Report more intelligible to the House, your Committee think it necessary to give a particular account, in what manner the present duties on tobacco are collected, and how the ships are guarded from their arrival in port till they are discharged at the key.

The present duty on tobacco, as settled by the act 9 Geo. I, cap. 21, intituled, 'An Act for enabling his Majesty to put 'the customs of Great Britain under the 'management of one or more commissions, 'and for better securing and ascertaining 'the duties on tobacco, and to prevent 'frauds in exporting tobacco and other 'goods and merchandizes, or carrying the 'same coastwise,' is 6*d.* one-third of a penny per pound; 1*d.* whereof being the old subsidy, is to be paid down in money at importation, deducting 25 per cent on such payment, fifteen per cent thereof, in lieu of all former allowances, and ten per cent for prompt payment: the remaining duties of 5*d.* one-third of a penny, may be either paid in ready money, or secured by bond, at the option of the importer; if paid down in ready money, 25 per cent is deducted, as on the old subsidy, but if secured by bond, only 15 per cent; but in case any hogheads of tobacco have received damage in the voyage, such damaged tobacco, at the request of the importer, may be cut off, and pays no duty; and the importer is allowed ¼*d.* per pound for the same, such allowance not to exceed 30*s.* on one hogshead.

All which said duties are drawn back, and bonds discharged on exportation according to the regulations herein after mentioned, under that head.

In order to prevent any tobacco being landed in the port of London, without paying or securing the said duties, the ships are guarded by sloops and boats, appointed at proper stations for that purpose from Rye through the Downs to Gravesend, and in their passage are boarded by the tide surveyors at Deal and Ramsgate: at Gravesend, the tide surveyors board them, and place four tidesmen, at least, on each ship; and in their passage up the river, they are visited by the several officers stationed for that purpose, and by the tide surveyors, who take an account of the ship and masters name, the loading, and from whence she came: all these officers are to search for any loose tobacco, in order to seize it.

When a ship comes to her moorings, which is usually at a distance from the key, on account of the great burthen of a tobacco ship, the master declares, on oath, before the proper officers of the customs, the contents of his loading, and to whom consigned, with other particulars.

After the master's report is made, the merchant makes his entry, wherein are described the package, marks, and numbers of the hogsheads he intends to land; and pays, or gives bond for the duties of such a quantity of pounds weight of tobacco, as he estimates those hogsheads may contain; and a warrant is sent to the land waiters accordingly; and when a number of hogsheads are landed of weight equal to the entry, a stop is to be put by the land waiters to the landing any more hogsheads, though mentioned in the warrant, until the importer has made a further entry, and paid or secured the duties as aforesaid; and so from time to time, till the whole cargo is landed: and if, on the last entry, there should be a small excess of weight, after the usual allowances for draught and samples, the importer is admitted to make what is called a post entry.

Two of the land waiters, employed at the key where the Tobacco is to be landed, are appointed to deliver each ship, who

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send an order in writing to the tidesmen on board, to permit such hogsheads as the merchant has entered, to be brought up in a lighter to the key, on which lighter one tidesman is always boarded, who brings a note to the land waiter from the tidesman on board the ship, of the marks and numbers of such hogsheads as are sent in each lighter, as entered in a book kept by him for that purpose.

When the Tobacco is landed, each hogshead is stripped, and the Tobacco put into the scale in order to be weighed by sworn weighers, who declare the weights to the land waiters attending, which each land waiter enters in his own book prepared with different columns for that purpose, containing the planter's mark and number, the new number put on the hogshead when landed, and the weight of each hogshead, and a blank column is left in order to enter the weight of any Tobacco which may be cut off as damaged.

The surveyors, at their several stations, are to supervise and inspect the land waiters, at the delivery of these and all other ships on each key, and to see that there are two land waiters, at least, to each ship, and that they do their duty; and, if they see occasion, they are to cause the hogsheads to be re-weighed, and to be careful that no more be landed than entered.

When the Tobacco is landed, the report of the master, the entry of the importer, the book kept by the tidesman on board, and the land waiters books, as soon as they are made up, are examined and compared by the jerquer.

And by a late law passed in Virginia, the weights of the hogsheads are to be taken at shipping off there, and authentic duplicates to be transmitted hither, which are likewise compared by the jerquer with the entries and weights at importation. The like care is also taken, *mutatis mutandis*, in the several out ports.

Notwithstanding which methods, your Committee have full proof that very notorious frauds have been, and still are, committed on the importation of Tobacco.

These frauds appear to your Committee, in general, from the observations they have made on the several accounts and other papers referred to them by this House, by others which they have since called for from the Custom House and the board of trade, and by the concurring testimony of sir John Randolph, Mr. Gilbert Higginson, Mr. Edward Randolph, Mr. Bryan Philpot, and Mr. Thomas Hyam, and this general evidence is fully confirmed by particular instances, which have been discovered, and which are undermentioned.

The principal fraud committed at importation is, the setting down in the land waiter's book, by which the duty is computed and paid, less weights than the several hogsheads imported do really weigh; which is one of the principal complaints made by the merchants of Bristol, in the year 1721, as appears by a letter sent by them to the Commissioners of the Customs, at that time, relating to the frauds at Glasgow: this arises by the connivance, or corruption, of the officers, and which it has not hitherto been possible to put a stop to, although every officer has been dismissed, and never restored, when any discovery has been made; and many of them prosecuted for the penalty of their bonds, where sufficient legal evidence could be had for that purpose. Yet the advantage to the unfair traders, by this fraud, is so great, and they are enabled thereby to give such large gratuities to the officers, who are their confederates, out of their unjust gains from the revenue, as several of the officers have not been able to resist, notwithstanding the hazard they run.

In order to discover this fraud in general, your Committee endeavoured to find out, in the best manner they could, what the real weights of the hogsheads usually have been, at a medium, for a long course of years, in the plantations; and what might reasonably be allowed for waste in the voyage, before they came to be weighed at the Custom House. Sir John Randolph, who was born in Virginia, where he lived the greatest part of his life, and since the year 1720, very well acquainted with the Tobacco trade, and who was lately sent over by the assembly of Virginia to represent the grievances the planters labour under, being examined, acquainted your Committee, that one of the greatest complaints they have, is the unaccountable difference in the weight of the hogsheads there, and at the scale in England. The Committee inquired of him what the usual weights were in Virginia; and he acquainted them that the usual weights were, at present, from 800 to 950 pounds, and that he believed they have weighed as much or rather more from the year 1715 to this time, for reasons which appear in his examination: that the utmost allowance, which he ever heard computed, as what might reasonably be made for waste, is 8 pounds on every hundred weight; but that he does

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not believe it can be so much, having lately had an account of his own from Bristol, where he finds a waste of no more than 15 pounds on a hogshead, which, on 800 pounds weight (which he informed your Committee those hogsheads in that account weighed one with another) is less than two pounds per hundred, and others who have been exact in weighing, are of the same opinion; notwithstanding which, he has known the difference in the factor's accounts with the planters, to be 200 pounds weight on a hogshead.

That the hogsheads weigh upwards of 800 pounds weight, was fully confirmed by the manifests received from Virginia since May last.

It was impossible for your Committee to have so full evidence as to the weights of Maryland tobacco, no manifests of weights being sent from thence; but it appears strongly by living witnesses and other circumstances, that the hogsheads imported from Maryland do really weigh, at a medium, upwards of 700 pounds weight; which accounts of the several weights appeared to be as above stated, from the evidence of Mr. Higginson, who has been concerned 19 years in the tobacco trade, 7 years as an apprentice, and 12 years in extensive dealing on his own account, and who confesses himself well acquainted with the frauds and abuses, both in importation and exportation of tobacco; from the evidence of Mr. Randolph, who has been concerned in this trade for 21 years, 13 of them as a merchant on his own account, and in very great business, who acknowledges himself likewise well acquainted with these frauds; from the evidence of Mr. Philpot, who has been concerned in the trade for some time, and has himself discovered several particular instances of these frauds; from several bills of parcels; and from the accounts of sales between the factors and planters, which have been laid before your Committee and from many entries in the land waiters' books of cargoes both from Virginia and Maryland, consigned to merchants not suspected of any fraud: but on examination of the weights by which the duties have been paid, they appear far short of the weights above mentioned, by which the loss to the revenue must have been very considerable, besides what has arisen from the frauds committed at exportation, and also from all the qantities of tobacco which have been relanded, run, or any other way procured for home consumption without payment of duty.

The nature and extent of the frauds and abuses at importation are confirmed by particular instances of frauds, as follows:

In June 1727, John Midford imported in the William and Jane, from Virginia, 301 hogsheads of tobacco, the weight of which, as taken in the land waiters book, by which the duty was charged amounted to -	lb. wt. 199,257
The true weights taken by the Husband (who was Midford's son) on loose slips of paper, pasted into his private book, and which are confirmed by the accounts of sales between him and the planter, as appears by Midford's books now in the possession of the crown, and which have been produced to your committee, are - - - - -	230,150
Difference -	30,893

The duty whereof was lost to the crown.

It likewise appeared in his cash book, that money was paid to the land waiters by whom the account was taken, who were both dismissed on this discovery.

By an account of sales, in the year 1729, delivered to a planter of Maryland, a copy of which has been laid before your Committee, and is mentioned in Mr. Higginson's examination; it appears, on comparing it with the land waiter's book wherein the entry is made at importation, that the weights of 17 hogsheads, as taken, taken in the said book, amount only to - - -	lb. wt. 8,961
Whereas the real weights of the same hogsheads, as by the account of sales were - -	12,334
Difference -	3,373

The duty whereof was lost to the crown.

Your Committee observe that the medium of 355 hogsheads, imported in the same ship, and of which these 17 were part, were extremely low, being no more than 521lb. wt. from whence there is great reason to believe, that the like fraud, was committed in the whole parcel, though it is difficult to obtain any proof thereof, one of the land waiters who had the care of this ship is dead, and the other has lately been dismissed, being concerned in other frauds in the importation of tobacco.

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By another account of sales, delivered to a planter of Virginia, a copy of which was lately laid before your Committee by Mr. Higginson, it appears that 4 hogsheads, contained in the said account of sales, on comparing them with the land waiters' book, were charged in the said book, as amounting to no more than - - - lb. wt. 2,559

Whereas the real weights, as by the account of sales, were, - 3,042

Difference - 483

In these 4 hogsheads; the duty whereof was lost to the crown.

Your Committee observe, that most of the other hogsheads, contained in the said account of sales, were cut at the entry, as partly damaged, for which no duty is paid, in order to which cutting, the attendance of other officers is necessarily required, and therefore not so liable to fraud. It is further observable, that 209 hogsheads were imported in this ship, and entered by the same merchant by whom this account was made up; such of them as were not cut, as damaged, appear to be entered considerably lighter than those which were cut, adding the weight of the damaged tobacco cut off, to the remaining weight as entered, (which corroborates the evidence given by Mr. Higginson, relating to the account of sales for the 4 hogsheads abovementioned,) and likewise very much lighter than the hogsheads imported by another merchant, in the same ship; all which appears on examining the land waiter's book: one of the land waiters employed in the delivery of this ship is since dead, and the other has been dismissed for being concerned in the like frauds, in the importation of tobacco.

Mr. Randolph acquainted your Committee with a fraud since 1726, by short weights at entry of 485 hogsheads of Maryland tobacco, whereby the merchant got 30 hogsheads clear of duty, after discharging all his bonds for that entry, which hogsheads he had in his own warehouse, and they weighed one with another 700lb. each.

It appears by Mr. Philpot's examination, that another fraud was committed in September 1731, which he, having discovered, went to the merchant, who gave him 100 guineas to conceal it, which he did at that time, which prevented the obtaining sufficient proofs for a prosecution, but since that he has paid the 100 guineas to the collector of the customs, and made this discovery, and on inspecting the land waiter's books, the weights of this whole cargo appear exceeding light.

On examining several of the land waiters books, there appears very great reason to suspect numerous frauds of this nature, by comparison of the different weights of the same merchant's Tobacco entered by different land waiters, and of cargoes consigned to different merchants in the same ship, and of different years importations, with the same planters marks; which your Committee only mention, as a confirmation of the extensiveness of the fraud, and of the various methods by which it has been committed.

In order to which, it has been usual for the unfair traders to come to an agreement with particular land waiters in whom they could confide, either by encouraging them to expect a gratuity, according to the pleasure of the merchant, or by a specific agreement for a certain proportion of the duty saved by their means, even to the amount of one third, or one half, which often arises to a very great sum; and this has been done as to some particular hogsheads in an entry, when only one of the land waiters has been in the secret, by artful contrivances to call away the other land waiter during the delivery of the ship, who either makes up his book in conformity with his partners, or leaves it in the hands of another who is in confederacy during his absence; and notice is frequently given, to prevent discoveries on the approach of the land surveyor to inspect; and as the surveyors sometimes cause the hogsheads to be reweighed which have passed the scale, the land waiter takes down the real weights on loose papers, in order to shew to the surveyor till the hogsheads are carried off the keys (which are industriously hurried away) and then they enter the short weight in their books, on which entry the payment of the duty intirely depends.

Some of the weighers have been likewise concerned in this fraud at importation, by calling out short weights; but this can only be to a small degree, without the connivance of the land waiters, since it is part of their duty to examine the weights in the scale.

At the taking the weights the merchant's agent usually attends, who is called the husband of the ship, and keeps a book

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of the same nature with the land waiters; he and the land waiters meet together in order to make their books correspond, and any difference is adjusted by the agreement of any two accounts, which is another artifice made use of where but one land waiter is concerned in the fraud; and when a land waiter is cautious for his own sake, and unwilling to trust an agent or husband of the merchant, the merchant sometimes acts as husband himself, and sometimes leaves the delivery of the ship solely to the land waiter in whom he confides.

The traders concerned in these frauds, among other arts, often suffered their ships to lie several days without making an entry, till the land waiters they rely on happened to be stationed at the key where they intended to unload.

Before your Committee enter upon the particulars of the frauds committed at exportation, they think it necessary to give a short account of the methods used in order to obtain a debenture, for the drawback of the duty paid, and discharge of the bonds given at importation.

First the importer, or his agent, brings a note expressing the number of pounds intended to be shipped, specifying the time when, in what ship, and from whence imported; upon which the collector inwards gives him a certificate of the paying or securing the duties, which is likewise sworn to by the merchant or his agent; on producing such certificate so sworn to, the collector outwards gives him a cocquet or warrant for shipping, on the back of which cocquet the merchant is to indorse the weight of each hogshead intended to be exported.

When the Tobacco is brought to be shipped, the cocquet is delivered by the merchant to the searchers, whose duty it is to see that the endorsements are right, and in case they appear otherwise the Tobacco is forfeited; but your Committee observe, the practice has been to weigh a few hogsheads, only, on each exportation, and in case the weights of those appear to be right, to suffer the remainder to be shipped, according to the indorsement; which practice has been introduced in ease of the merchant, and dispatch of business, but has given opportunity for considerable frauds; after the Tobacco is shipped, a debenture is made out in pursuance of the former certificate, for such a quantity as the searchers certify thereon to have been put on board, to the payment whereof the exporter is intitled within a month after the ship is sailed.

Some of the frauds at exportation, in order to obtain debentures, which the exporters are not legally intitled unto, are, by shipping corrupt or damaged Tobacco, mixed with dirt, rubbish and sand, and by shipping stalks alone, stripped from the leaf, which by Act of Parliament are to receive no drawback.

The particulars of these Frauds your Committee forbear to mention, as wanting no explanation, and will appear in the returns of the Commissioners of the customs and their solicitors, which have been laid before the House, and since referred to this Committee, and in the Examinations annexed.

Your Committee have likewise had a fraud given in evidence, by Thomas Parr, esq. of Datchet, which though it be of so long standing, being committed in the year 1705, yet is of such a nature, that it is not improbable to have been since practised.

The Fact was as follows: in the year 1704, or 1705, he had consigned to his care, in Holland, a quantity of Roll Tobacco, by Mr. Slyford, and Mr. Taubman, then merchants in London, amounting to eight or nine hundred hogsheads, in each of which rolls was contained a piece of lead, of two or three inches thick and six or seven inches long, for which they had obtained a drawback for the duty as Tobacco.

The advantage arising to the unfair trader by these several fraudulent exportations is, the discharging his bonds given at importation, by which means there remains in his hands a quantity of good Tobacco equal to the weight of the trash and other materials so exported, which he sells for home consumption, without payment of any duty.

But one of the greatest frauds on exportation, and which has been very detrimental to the revenue, is by the unfair traders indorsing, on the back of their cockets, considerably greater weights than the hogsheads actually contained, and by this means discharging bonds for more than the real exportation, from whence the like consequence must follow, that there will remain in their hands large quantities of Tobacco for home consumption, without payment of duty as aforesaid; the nature of which frauds will appear from the following instances.

Your Committee received an account from the Custom House, of an entry made

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the 12th of last month of 8,084 lb. weight of roll Tobacco for exportation, the certificate of importation and payment of duties being in the name of Mr. William Black, John Cox being the exporter; but on examination there appeared to be no more than 6,825lb. weight, which is 1,259lb. weight less than the indorsement; upon which the whole quantity was seized, and is ordered to be prosecuted.

Your Committee on this sent for Mr. Black, in order to inquire into this fact, who on his examination acquainted your Committee, that Mr. Cox the manufacturer came to his brother to desire an entry for this quantity of Tobacco; upon which his brother gave him one without examining the Bill of Parcels, by which the Tobacco was sold to Cox; that he believes his brother gave him the oldest entry that appeared in his book; and that it is the general practice, on any exportation, to take such oldest entry, in order to discharge the bonds given thereon, and that it is not understood to be necessary to export the individual Tobacco, neither by the merchants, nor the officers.

Your Committee think it their duty to be very particular in the account of the following fraud, mentioned in one of the solicitors accounts of frauds annexed to the return of the commissioners of the customs delivered to the House, and since referred to this Committee, which might have been inserted under the head of importation; but as in this single instance are contained almost every considerable abuse in this branch of the revenue, they chose to defer it to this place, that the House may see at one view in what manner these frauds are committed; the fact is as follows.

In September 1732, Mr. John Peele entered in the James and Mary, from Maryland, 310 hogsheads of Tobacco, for which he paid the duty in ready money, near 200 hogsheads of which he sold in October following to Mr. Thomas Hyam, for exportation, and they were accordingly exported immediately on delivery: It appears on these 200 hogsheads, that the duties paid at importation according to the weights in the land waiters books, were short of the real weights by 13,292 pounds of Tobacco; it likewise appears on exportation, that the certificate sworn to by William Cameron for Mr. Peele, in order to obtain debentures, was to discharge bonds given on a former entry for Virginia Tobacco imported in November 1731; that the indorsement on the cocquet, which was made by Mr. Peele, or his Servant, in order to receive the debenture, exceeded the real weights actually shipped by 8,288lb. weight Tobacco, so that the total of pounds weight, on which the duty would have been gained by this fraud, had not the discharge of the bonds been stopped on this discovery, amounts to 21,580 pounds Tobacco.

The several Facts abovementioned appear to your Committee from the following examination. Your Committee thought it proper to send for the said Mr. Hyam, a merchant of good credit, and considerably concerned in the Tobacco trade, who accordingly appeared, and on examination gave your Committee a full account, as far as his knowledge went, of this whole transaction, in the fraudulent part of which he appeared not to have the least concern; and being likewise examined as to other particulars relating to the trade in general, gave your Committee material informations with the greatest ingenuity and candour.

He acknowledged the having purchased of Mr. Peele the said 200 hogsheads of Tobacco in October last; that he himself attended at the scale, when delivered to him, and they were sent directly to the key; and being asked as to the weights, he produced his bill of parcels, which he attested to contain the real weights, and left a copy thereof with the Committee. Being asked, as to the species of Tobacco and when it was imported, he acquainted your Committee that it was Maryland Tobacco, and of a late importation, having given a price for it as new Tobacco, which was more than he would have given for old, the difference of which is easily discerned by persons skilled in that trade; that he is fully convinced that almost all the said 200 hogsheads were a part of the 310 imported in the James and Mary as aforesaid, having compared the marks and numbers of those he bought with the marks and numbers in the land waiters book taken at the delivery of the said James and Mary; which book was produced to him at the Committee, and upon comparison of the real weights, as bought by him with the weights in the said book by which the duty was paid, it appeared that many of the hogsheads were entered 1lb. weight and upwards short of their real weights, and on comparing the real weights with the indorsement on the cocket at exportation, a copy of which was likewise produced to him by the Commit-

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tee, it appeared that several of the hogsheads were indorsed thereon as weighing 2lb. and 3lb. weight and upwards more than the real weights.

It further appeared to the Committee that he was no way concerned in the entry outwards, Mr. Peele having (at his own request) acted by commission from him, which appears by the oath on the certificate and on the debentures, which is frequently the practice, the seller being to run all risques till the Tobacco is actually on board, when such Tobacco is sold (at what is called the short price) for exportation.

Being asked whether any of the hogsheads bought by him were repacked, which is the only excuse that can possibly be made to weaken the evidence of the fraud at exportation, he assured your Committee he was confident none of them were, if any of them had he would not have taken them, and should have seen it at the scale, it being easily discerned on breaking up the hogshead to draw the second sample, which is always done at weighing them off to the purchaser.

On this discovery the commissioners of the customs have ordered a stop to be put to the discharge of the bonds, and have dismissed the land waiters employed in the delivery of the James and Mary aforesaid.

This allegation of the hogsheads being repacked before exportation, is pleaded as an excuse for what has appeared to your Committee, that the hogsheads at exportation are generally heavier than the hogsheads at importation, and Mr. Black on examination alleged it was often the practice to repack; but on examining Mr. Hyam, he acquainted your Committee that he thought the contrary from his own experience, particularly as to Oronoko Tobacco, that he never repacked any of his own, excepting the packing of the samples he had drawn, or where a small quantity might be wanting to complete an entry outwards.

That he had the like reason to believe it was not the practice of the trade in general, having bought great quantities of other persons, in order for exportation, which were never repacked, and particularly of Mr. Black, none of which were repacked to the best of his memory and belief, and thinks the importers do not repack where they export themselves, unless in the abovementioned cases, and when the Tobacco has received considerable damage, the repacking being prejudicial to the sale, as to the value of the Tobacco.

He likewise informed your Committee, that some small alteration in the weights might possibly arise from the difference of the weather, either as to increase or decrease, but generally the latter, and on 2,387 hogsheads imported by himself within the last four years, the decrease had been 11,808lb. and whenever an increase appears of a quarter of a hundred or upwards, it is almost a demonstration of fraud, and cannot be attributed to any alteration of weather or other accident.

The substance of this evidence, as to the not re-packing Oronoko tobacco, is likewise confirmed by the examination of Mr. Higginson and Mr. Philpot, to which your Committee refer.

Having gone through the several frauds at importation, and exportation, your Committee think it proper to take notice of another Fraud, which, though it bears some relation to the exportation, may properly be distinguished by another name, viz. re-landing after having obtained debentures for the drawback, which tobacco so relanded is sold for home consumption under the market price, in prejudice to the fair trader.

The quantities of tobacco which appear to be relanded, from the accounts of the custom house, being only such as have been actually seized, or where particular informations have been given in order to a prosecution for the penalties, do not appear to be very considerable; notwithstanding which, your Committee have reason to believe, that this fraud of re-landing has been very extensive, both in Great Britain and Ireland, as appears by the following evidence.

First from the returns of the commissioners of the customs, delivered to the House, and since referred to this Committee, containing an Account of the several informations they had received of re-landing tobacco, particularly from Dunkirk, and the Isles of Guernsey, Jersey, and Man.

In the second place, from the evidence of Francis Menetone, who lived several years in Ostend, and was employed in cutting and manufacturing of tobacco imported thither from England, and then packing it up in papers of a pound weight each, and in bags of 100 pound weight, which were again put on board English and Irish vessels; from the evidence of John Howell who lived many years in Flanders,

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and has frequently observed several quantities of tobacco imported into Ostend and Dunkirk, and there repacked in bales of 100 pound weight each, and then again put on board English and Irish vessels who waited there for that purpose, and which were employed in re-landing it in England or Ireland; particulars of which will appear in his examination hereunto annexed, and that this trade is now principally carried on at Dunkirk, there being no duties paid there at landing or exporting, as there are at Ostend.

These Informations are corroborated by an account given your Committee, by Mr. Thomas Hyam abovenamed, that there has lately been considerable quantities of sweet-scented tobacco exported to Dunkirk (to which place he deals himself) which is not a proper species for that market, and he has reason to believe is with design to re-land it in Great Britain or Ireland, and that he had information from his correspondent at Dunkirk about twelve months ago, of nine British vessels at a time, taking in cargoes of tobacco there.

The vessels employed in this smuggling trade, take out clearances for the ports of Spain, Portugal, or some other foreign country, in order to produce, in case they are met with on the coast of Britain, or Ireland, while they are endeavouring to run their cargo.

The Method of taking out clearances for foreign countries, is likewise frequently practised in several of the northern and western ports, when the tobacco is intended to be run in Ireland, in order to obtain debentures, which could not be received (if entered for that kingdom) without producing a certificate from the principal officers of the customs at the port where it is landed there; whereas, no certificate is by law required of the landing in any foreign port; and though the commissioners of the customs have frequently stopped the debentures on suspicion or information of the tobacco being clandestinely landed in Ireland, yet this method has been found ineffectual to put a stop to the fraud, for want of sufficient evidence, which is very difficult to be obtained, as to the landing there.

There have been likewise considerable quantities of tobacco run without payment of duty, which have been seized and condemned, amounting to 958,745 lb. wt. since Christmas 1723, in which quantity is contained the tobacco relanded after exportation; and prosecutions for the penalties have been carried on for other quantities, where the persons concerned have been convicted, others have compounded, have been made evidence, died or absconded, upon which the prosecutions have been discontinued.

In the return of the commissioners of the customs to the House, since referred to this Committee, is contained a narrative of another considerable fraud discovered in the year 1728, which consisted in the stealing and pilfering several quantities of tobacco, from on board the ships on the river of Thames, and at the time of landing, which fraud was commonly known by the name of socking. For the particulars of which, your Committee think proper to refer to the said Report, to avoid prolixity: this was carried on for several years to a very great degree by the tidesmen on board, the porters on the keys, the mates, the boatswains, and crews of the several ships, by the lightermen and by the coopers, and other persons in the merchants service: in consequence of this discovery, three tidesmen, one cooper, and two lightermen were convicted, and ordered for transportation; one boatswain, one tidesman, and one porter, were convicted, and ordered to be publicly whipped on the keys, and about one hundred and fifty tidesmen and other inferior officers were dismissed.

The tobacco so stolen was lodged in houses on each side of the river and near the keys, inhabited by persons employed in receiving and disposing of the same, in which houses were seized at that time 20 tons of tobacco, of which quantity 22,741 lb. weight was condemned and forfeited, and the remainder escaped for want of sufficient proof. It appeared, that this tobacco was sold by the receivers to several considerable dealers in town, many of whom appeared to have bought large quantities, as was acknowledged by some of them, though they denied their knowing it to be run.

Your Committee having thus gone through the several Frauds committed in this branch of the revenue at importation and exportation, by relanding, running, and stealing or socking, think it their duty to make some observations on the whole, as the several articles relate to the loss sustained in the public revenue, to the diminution of the balance of trade, to the nation, to the prejudice of the fair trader, the injury done to the planters abroad, the injustice to, and frequently the ruin of the

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persons bound for the importer, and the fatal consequences which have often attended the factors themselves.

As to the first, the loss to the public Revenue is apparently very great by all those branches of Fraud, the amount of that revenue arising intirely from the duties actually paid for the Tobacco consumed at home, after deduction of the several debentures for the payment of money and discharge of bonds, and consequently the amount of short weights at entry, and over weights at exportation, are a diminution of the duties which must otherwise be paid for home consumption, as are likewise all such quantities as are re-landed, run, or socked, as aforesaid, which supply the home consumption without payment of duty.

The great inducement and temptation to commit these frauds, both at importation and exportation, arises from the method of securing the duties by bonding, and discharging these bonds at exportation.

The abuse on the public arising from hence, is the discharging old bonds by new importations, contrary to law, and even contrary to the oath taken by the importer; and that this is too general a practice, appears from the concurrent evidence of all the persons examined by your Committee; a flagrant instance of which is above stated in the case of Mr. Peale, who appears to have obtained debentures, to discharge bonds given a twelve month before, on an entry from Virginia by a new exportation of Maryland Tobacco: By this means, the merchant is enabled to get into his hands a considerable sum of money to be employed in trade, at interest, or in any other manner that he thinks proper, to the hazard of the revenue, selling only one cargo of Tobacco for home consumption for which he gave bond; on such sale he receives the full price, as if the duty were paid: By this means he is in possession of a sum equal to the duties of the said Tobacco, accountable to nobody till the expiration of 18 months, when the bonds will become payable, or, as some have insisted, of three years; and if before that time there is consigned to him a new cargo, equal in quantity to the former, by discharging his bonds with this new importation (and so from year to year) he continues in possession of the aforesaid sum; and it has often happened, that by adventuring this money in unsuccessful undertakings, the crown has suffered, and the bondsmen, and the merchant himself, have been involved in one common calamity: This abuse appears from the examination of Mr. Black; and the nature of it is very amply and distinctly set forth in the examination of Mr. Hyam beforementioned, as likewise in the examination of Mr. Higginson.

Another loss to the nation in general, from this method of bonding, arises from the temptation the factors are under, to export or sell for exportation the Tobaccoes entrusted to their care, without any regard to the price, and merely to discharge their bonds; by which means the balance of this profitable branch of trade is considerably lessened by clogging and overloading the markets in foreign countries, and consequently depreciating the commodity: How injurious this must likewise be to the fair trader, is too manifest to need any illustration, since by this means the commodities he has purchased for exportation must lie on his hands abroad, without any possibility of disposing of them to advantage, as he might otherwise have done; and by this means it is apparent how greatly the planter is injured in the sale, and sometimes even brought in debt, while the factor receives his full commission, even for the duty bonded and drawn back by such hasty exportations (which in this case seems to be his principal view): That this has been too much practised and has been of long continuance, fully appears by the Memorial of the council of Virginia, sent to the board of trade so long since as the year 1713, and is confirmed by the examination of Mr. Hyam, and was greatly complained of by sir John Randolph on behalf of the planters.

The method of discharging old bonds by new importations, is likewise very grievous and injurious to the sureties bound with the merchant to the crown, since by this means they continue subject to the debt, long after the tobacco, for the duties of which they were bound, has been either exported or sold for home consumption, which has been the unfortunate case of almost all those who were security for such merchants as died, or broke, indebted to the crown, many of whom have been undone thereby.

Your Committee proceeded, in the next place, to examine into the Frauds and Abuses committed in the Customs, in the branches of tea and brandy, which two commodities seem to fall under the same

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consideration, both as they are blended together in the returns from the commissioners of the customs, and as they are usually carried on by the same persons.

These Frauds are grown to so great a height, and carried on in such a violent and outrageous manner by the persons concerned in them, as seems to call very strongly for the assistance of the legislature to put a stop to their progress. The smugglers being grown to such a degree of insolence, as to carry on their wicked practices by force and violence, not only in the country, and remote parts of the kingdom, but even in the city of London itself, going in gangs, armed with swords, pistols and other weapons, even to the number of forty or fifty, by which means they have been too strong, not only for the officers of the revenue, but for the civil magistrates themselves, who have not been able to put a stop to these pernicious practices, even by the assistance of such regular forces as have been sent to their aid, and dispersed along the coast at the request of the gentlemen of the country. The sloops and boats appointed for preventing the running of goods, have been likewise frequently beat off by great numbers of armed men on board the smuggling vessels, nor have the larger sloops, which have been appointed by the admiralty at proper stations, though they have made considerable seizures, been hitherto able to deter them. The number of custom-house officers who have been beaten, abused, and wounded since Christmas 1723, being no less than two hundred and fifty, besides six others, who have been actually murdered in the execution of their duty.

Nor does there seem any thing to have been wanting in the endeavours of the officers of the revenue, to discourage and put a stop to these practices, by seizures and prosecutions as far as the law would extend, there having been no less than 251,320*lb.* weight of tea and 652,924 gallons of brandy, seized and condemned, and upwards of 2,000 persons prosecuted by the Commissioners of the Customs only since the year 1723, besides what may have been done at the excise office, which does not properly fall under the examination of your Committee. Besides which, there have been condemned, in the same time, 229 boats and other vessels employed in this clandestine trade, 185 of which have been burnt, and destroyed; and the remaining 44 have been employed in the service of the crown: the particulars of all which being very voluminous are contained in the several returns of the Commissioners of the Customs since referred to this Committee, which the shortness of the time has not allowed us to examine or report so minutely as might otherwise have been done.

Your Committee having received information that Gabriel Tomkins, now a prisoner in the county gaol of Surry, for returning from transportation, to which he was sentenced for an assault on the officers of the Customs in the year 1722, was willing to declare what he knew of the practice of running goods; your Committee ordered him to be brought to them to be examined, and he delivered to them a list of several grocers and other shopkeepers in London, Westminster, and Southwark, with whom he had had dealings about three years ago, for the quantity of 15 or 20,000 *lb.* weight of tea and coffee, in a year, and acquainted the Committee, that, since that time, he had employed other persons to sell for him: that he used to hire vessels to go over into Zealand, to buy tea and other goods there, which he and his confederates used to land on the coast of Kent and Sussex, in the night-time, which goods they always conveyed to London, in companies of ten or twelve armed: that they travelled in the night-time, and generally lodged their goods five or six miles out of town, in houses hired for that purpose, and then brought them up by 100*lb.* or 200*lb.* weight at a time, in the night, or at breaking up of the watch, when they disposed of them to several grocers and druggists, sometimes at their own houses, and sometimes the grocers met them in coaches, and took the goods from them, and the smaller quantities were sent by porters employed by the grocers: among others he named one Caleb Leigh who used to receive goods from him at the Saracen's Head in Carter Lane, and another whom your Committee have not been able to find: that they were generally paid at the delivery of the goods or the next day, the tea formerly selling from 9 to 10*s.* per pound, and of late years from 5 to 6*s.*; and that he knew of great quantities of brandy run out of the colliers, which they take in at sea out of foreign vessels: he likewise informed your Committee of other gangs, and other particulars, which your Committee forbear to mention, lest the discovery might be prejudicial to any prosecution which may be commenced; it being too notorious, that the persons con-

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cerned in these wicked practices frequently procure evidences ready to swear whatever they are instructed, and to model them accordingly, whenever they are apprized of the nature of such prosecution: this will evidently appear by the Examination of Mr. Isaac Poulsum, herein aftermentioned. Your Committee then sent for Caleb Leigh, whom they likewise examined; and on asking him whether he knew Tomkins, he absolutely denied it, and persisted in his denial, as likewise that he ever received any tea or other goods at the Saracen's Head in Little Carter Lane, though he was frequently desired by your Committee to recollect: he was then ordered to withdraw, and being some time after called in again, he owned that he had two or three times carried goods for one Wood from the Saracen's Head (by which name it appears Tomkins went at that time) which Wood, or his man, took from him in the street, which appeared to be contrary to Tomkins's evidence: he likewise acquainted the Committee with one or two places where he had carried small quantities, but absolutely denied his dealing for himself, or knowing any further particulars, and grossly prevaricated in all his answers, with which your Committee thought it their duty to acquaint the House; upon which he was taken into custody of the serjeant at arms. A few days after, being again examined, he acknowledged, that he had carried goods several times from Wood at the Saracen's Head, agreeable to Tomkins's examination, and likewise from several other places, and from other gangs of smugglers; the particulars of which your Committee forbear to mention, for the reasons aforesaid. He likewise acknowledged, that Thomas Bottomly first brought him acquainted with Wood, agreeable to the information of Tomkins, whom, on confronting, he acknowledged to be the same person. Your Committee likewise examined Thomas Bottomly, who on his first examination absolutely denied ever to have seen Tomkins or Caleb Leigh at the Saracen's Head; but being confronted by Tomkins, acknowledged that he had seen him there, and owned a few particulars which Tomkins mentioned, but prevaricated in all his answers in a most extraordinary manner, with which your Committee thought it their duty likewise to acquaint the House; and he was ordered also to be taken into custody. Sometime after, being a second time examined, he acknowledged the truth of what had been given in evidence by Tomkins and Leigh, and that he was acquainted with other gangs of smugglers whose faces he knew, but not their real names; and seemed to be really unable to give any material information to your Committee, which might tend to a further discovery than what had been already made by Tomkins and Leigh.

From the Custom-house Accounts and these Examinations, it is apparent how extensive these frauds are, and of how great a number of persons the several gangs consist; but your Committee forbear mentioning the names of particular people contained in the informations of Tomkins and Leigh, not only for the reasons abovementioned, but likewise to avoid doing any injury to such against whom there may not appear sufficient evidence; and also, to such who may by this time have desisted from their evil practices.

There are likewise several other instances of frauds and abuses committed in these two branches of the revenue, as will appear in the returns from the Commissioners of the Customs delivered to the House, and since referred to this Committee; the particulars of which your Committee have not had time to examine into.

In the next place, your Committee entered upon the consideration of the Papers referred to them by the House, which relate to the frauds and abuses in the customs on wine, by which they find that of the quantities seized and of the running of which they had been informed, no more was condemned since Christmas 1723 than 2,208 hogsheads or thereabouts, although the Commissioners of the Customs in the year 1725 had received informations upon oath, that there had been run in the three counties of Hampshire, Dorsetshire, and Devonshire, from Christmas 1723 to Christmas 1725, 4,738 hogsheads, and upon inquiry into these frauds, found reason to dismiss 30 officers. Informations were entered against 400 persons concerned in running the said wines, 38 of the principal offenders were taken and committed to gaol, 118 admitted as evidence, and 45 compounded for their offences.

Among the persons principally concerned in this clandestine trade on the coast of Hampshire, were John Hatch and David Boyes, who were prosecuted, and judgment obtained against them, on which they were committed to the prison of the Fleet; and your Committee being informed, that Isaac Poulsum, who was their clerk, during the time of their carrying on

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these frauds, and who was instrumental in making the discoveries at that time to the Commissioners of the Customs, could give them material information as to their manner of carrying them on, the methods by which they escaped discovery, and the several arts used to procure witnesses and instruct them on trials, by which means they seldom lost the cause. They proceeded to examine the said Isaac Poulsum, who informed your Committee, that one of their methods was to buy great quantities of decayed French wine, which had been condemned at the Custom House at Portsmouth and Cowes, in order to cover what they run; another method was by taking out coast dispatches for 16 or 20 hogsheads at a time, of old sour wine, or other mixtures: the vessel then sailed, met another ship at a station appointed, threw away the sour wine, and, taking in a fresh cargo, proceeded to the port mentioned in the clearance: this being suspected, after they had practised it a considerable time, they had a new invention by hogsheads with a double head at one end, between which there was good wine for the officers to taste, the remainder being filled with water, or other liquor of no value, for which they got the like dispatches, and proceeded on the like fraud.

He likewise acquainted the Committee of another method, by altering of coast cocquets, and many other particulars with regard to the manner of running, as will appear in his examination annexed, and likewise (among other instances) in an account from the Custom House, of frauds committed in this commodity, delivered to the House, and since referred to this Committee.

Poulsum further informed your Committee, That several seizures of wine were made from Hatch and Boyes during the time above mentioned, but that if they had any room to contest with the officers, in the court of the exchequer, they seldom failed to get a verdict by means of suborned evidence; that they always had in their service near 20 boat-men and labourers, who did little or nothing else but assist them in running their goods, and swearing for them on all occasions: that whenever they received notice of a trial, eight or ten of these fellows were sent to London in order to be witnesses: that very often they have gone to London on those occasions, without knowing what they have been to swear till they got thither: that when any of their wines have been seized, either in a waggon or out of their warehouses, though the hogsheads were still wet with the salt water, in running them ashore, Hatch or Boyes, together with one of their coopers, would immediately go before a commissioner from the court of exchequer for taking affidavits and make oath that they either bought the said wines out of the custom house as condemned, or of some merchant, in a fair way of trade, with such other circumstances as were needful to cover the fraud; that they used to endeavour to find out what the evidence was for the crown, and then they would be sure to bring a greater number of witnesses to contradict such evidence: that if there happened to be but one or two witnesses for the crown, which was often the case; they would invalidate their evidence by some story, such as that they had several times declared they would lose no opportunity to ruin the defendant, or that they had declared they were to have such a gratuity, if a verdict was given for the crown on their evidence, or that they had offered some of the defendant's evidences sums of money to change sides, and join with them in swearing for the crown: that before any trial came on, they used to summon together so many of these people as they thought they should stand in need of, and to acquaint them as far as they could, what opposition they expected to meet with; that they then gave every one his cue, taking care that each had his part according to his capacity; that if it were long or difficult, they commonly gave it them in writing, that they might learn it by heart, so as to be perfect on the trial, as indeed they commonly were.

By these and other methods they were sure to support any falsities by several witnesses, by which means, together with some of the jury leaning generally to their side, they seldom or never failed to obtain a verdict.

These facts will appear to be confirmed by several particular instances mentioned in his examination, as likewise in the return from the commissioners of the customs, together with several other frauds, accompanied with insults on the officers of the revenue practised on other parts of the sea coast, which your Committee forbear to mention particularly.

There was likewise laid before your Committee, by the commissioners of the customs, an abstract of several frauds com-

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mitted by sir Randolph Knipe, deceased, in combination with several land waiters at the landing of linens and other goods from Dantzick, Russia and other places, taken from the examination of Joseph Shackell hereunto annexed; and the said Joseph Shackell, being examined before your Committee, attested the contents of this information to be true, part of which was likewise acknowledged (so far as they were concerned) by two of the land waiters before the commissioners of the customs.

There have likewise been laid before your Committee within these few days by the commissioners of the customs, the several accounts following.

An Account of the Frauds which have come to the knowledge of the commissioners of the customs relating to linen, East India goods, concealments, false package, and French goods, containing, 1. Particular instances of frauds in linen. 2. Mr. Bonnell's account of frauds discovered by him in East India and other ships, with the names of the persons concerned therein, and of the officers dismissed on that occasion, the money paid them for conniving thereat, and the money recovered on those prosecutions. 3. An Account of the frauds which have been committed in the importation and running of East India goods in the western parts and London. 4. The like Account from the northern ports. 5. Seizures of East India goods.

An Account of Frauds which have been committed in the exportation, and relanding debenture goods in the western ports and London, with the proceedings which have been had thereupon.

An Account of Frauds committed by masters of ships making false reports in the western ports and London, with the proceedings which have been had thereupon.

An Account of the Frauds in bribing officers of the customs in the western ports and London, with the proceedings thereupon.

Which though they are in themselves of great importance, yet they appeared too voluminous to admit of a particular examination, so as to extract them and make proper observations thereon. Your Committee therefore chose to lay them before the House in the manner they received them.

Your Committee have thus gone through such of the several Frauds and Abuses, into which they were directed to enquire, as have come to their knowledge, on examining the accounts and papers referred to them by the House, or since laid before them, pursuant to orders of the committee, and by the several informations they have received from living witnesses: This they have endeavoured to do with the greatest diligence and exactness, and if they have not extended their enquiry so far, or entered into so many particulars as might be expected, it ought to be attributed to the nature, extent, and variety of the frauds, too many and too great to be minutely examined, or detected in so short a time as they have had for that purpose; the artful and intricate management of some of these frauds, and the number of the others, as well as of the persons concerned in them, having rendered a thorough disquisition almost impracticable.

Debate in the Commons concerning Privilege.] June 9. A question concerning the constitution of their House occurred to the Commons. Lieutenant General Wade, member for the city of Bath, had accepted the office of governor of Fort William, Fort Augustus, and Fort George in Scotland. The question, therefore, was, "Whether by his accepting the said office his seat in parliament was vacated." The gentlemen in the opposition were clearly of opinion that it was, and were for appointing a Committee to search for precedents. On the other hand, it was said, that the promotion of an officer already in the army, can be no disqualification from sitting in parliament. The former reasoning was supported by precedents. It was found, that in the 7th of queen Anne, lord Shannon's seat for Arundel in Sussex, was vacated by his being made deputy-governor of Dover Castle. And in the 9th of queen Anne, the earl of Hertford's seat for the county of Northumberland, was vacated upon his being appointed governor of Tinmouth Fort. Some other precedents of the same side were likewise read. On the other hand, a very singular case happened in the 7th of his late majesty, when brigadier general Sandwix, member for Carlisle, was made governor of Kingston upon Hull; for the House first found, upon a division, that the same was no military promotion; and then a writ was ordered to be issued for a new election. Nay, upon the 22d of January last, general Wade's own seat for the city of Bath, was

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vacated upon his being made governor of the town of Berwick upon Tweed. Notwithstanding this a difference was found between the depending case and those in the preceding. And it was moved for by the opposition, "That the accepting a commission of governor or lieutenant-governor of any fort, citadel, or garrison, upon the military establishment of his Majesty's guards and garrisons in Great Britain, by any member of this House, being an officer in the army, does vacate the seat of such member in this House." But this passed in the negative by a majority of 96 against 18.

The King's Speech at the Close of the Session.] June 11. The King came to the House of Lords, and the Commons attending, his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"The season of the year, and the dispatch you have given to the public business, make it proper for me to put an end to this session of parliament.

"Gentlemen of the House of Commons,

"I return you my thanks for the provisions you have made for the service of the current year. I have never demanded any supplies of my people, but what were absolutely necessary for the honour, safety and defence of me and my kingdom; and I am always best pleased, when the public expences are supplied in a manner least burthensome to my subjects.

"My Lords and Gentlemen;

"I cannot pass by unobserved, the wicked endeavours that have lately been made use of to inflame the minds of the people, and by the most unjust misrepresentations, to raise tumults and disorders, that almost threatened the peace of the kingdom; but I depend upon the force of truth, to remove the groundless jealousies, that have been raised, of designs carrying on against the liberties of my people, and upon your known fidelity, to defeat and frustrate the expectations of such as delight in confusion. It is my inclination, and has always been my study, to preserve the religious and civil rights of all my subjects.

"Let it be your care to undeceive the deluded, and to make them sensible of their present happiness, and the hazard they run of being unwarily drawn, by specious pretences, into their own destruction."

After which, the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 26th of July: It was afterwards further prorogued to the 17th of January 1734.

SEVENTH AND LAST SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] January 17, 1734. The Parliament being met at Westminster, pursuant to their last prorogation, the King came to the House of Lords, and being seated upon the throne with the usual state and solemnity, and the Commons being sent for up and attending, his Majesty opened the session with the following Speech to both Houses:

"My Lords and Gentlemen,

"The War, which is now begun, and carryed on against the Emperor, with so much vigour, by the united powers of France, Spain, and Sardinia, is become the object of the care and attention of all Europe; and though I am no ways engaged in it, and have had no part, except by my good offices, in those transactions, which have been declared to be the principal causes and motives of it, I cannot sit regardless of the present events, or be unconcerned for the future consequences of a War, undertaken and supported by so powerful an alliance.

"If ever any occasion required more than ordinary prudence and circumspection, the present calls upon us to use our utmost precaution, not to determine too hastily upon so critical and important a conjuncture; but to consider thoroughly what the honour and dignity of my crown and kingdoms, the true interest of my people, and the engagements we are under, to the several powers we are in alliance with, may in justice and prudence require of us.

"I have therefore thought it proper to take time to examine the facts alledged on both sides, and to wait the result of the councils of those powers, that are more nearly and immediately interested in the consequences of the War, and to concert with those Allies, who are under the same Engagements with me, and have not taken part in the war, more particularly the States-General of the United-Provinces; such measures as shall be thought most

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adviseable for our common safety, and for restoring the peace of Europe.

"The resolutions of the British parliament, in so nice a juncture, are of too great moment not to be carefully attended to, and impatiently expected, by all, and not the least by those, who will hope to take advantage from your determinations, whatever they shall be, and to turn them to the prejudice of this kingdom. It must therefore be thought most safe and prudent, thoroughly to weigh and consider all circumstances, before we come to a final determination.

"As I shall have, in all my considerations upon this great and important affair, the strictest regard to the honour of my crown, and the good of my people, and be governed by no other views, I can make no doubt, but that I may entirely depend on the support and assistance of my parliament, without exposing myself, by any precipitate Declarations, to such inconveniences, as ought, as far as possible, to be avoided.

"In the mean time, I am persuaded, you will make such provisions, as shall secure my kingdoms, rights, and possessions, from all dangers and insults, and maintain the respect due to the British nation: Whatever part it may, in the end, be most reasonable for us to act, it will, in all views, be necessary, when all Europe is preparing for arms, to put ourselves in a proper posture of defence. As this will best preserve the peace of the kingdom, so it will give us a due weight and influence, in whatever measures we shall take in conjunction with our allies: but should the defence of the nation not be sufficiently provided for, it will make us disregarded abroad, and may prove a temptation and encouragement to the desperate views of those, who never fail to flatter themselves with the hopes of great advantages from public troubles and disorders.

"Gentlemen of the House of Commons,

"I shall order the Estimates to be laid before you of such services as require your present and immediate care. The augmentation, which will be proposed for the Sea Service, will be very considerable; but I am confident it will be thought by you reasonable and necessary. I must particularly recommend to your care the Debt of the Navy, which has every year been laid before you; but, from the present circumstances of the times, I believe you will think it now requires some provisions to be made for it, which cannot well be longer postponed, without manifest detriment to the public service.

"As these extraordinary Charges and Expences are unavoidable, I make no doubt but you will effectually raise the Supplies necessary for defraying of them with that readiness and dispatch, and with that just regard to the true interest of my people, which the parliament has hitherto shewn upon all occasions.

"My Lords and Gentlemen,

"It is at all times to be wished, that the business of parliament might be carryed on free from heats and animosities, and with that temper, which becomes the justice and wisdom of the nation: at this time it is more particularly to be desired, that this session may not be protracted by unnecessary delays, when the whole kingdom seems prepared for the Election of a New Parliament; an event which employs the attention of all Europe: and I am very well pleased, that this opportunity offers of taking again the Sense of my People in the choice of a new representative, that the world may see how much their true sentiments have been mistaken, or misrepresented. Those who see and hear only at a distance, may easily be imposed upon, and from thence conceive false hopes or fears; but I am confident a little time will effectually remove all groundless surmises, and it will be found that Great Britain is always to act that part which the honour and interest of the nation calls upon them to undertake."

The Lords' Address of Thanks.] The King being withdrawn, the Lord Hervey* moved an Address of Thanks; and being

* "In the House of Peers the Address was remarkably loyal and dutiful, and his Majesty's Answer very gracious. The Address was moved for by lord Harvey, whom his Majesty, in consideration of the zeal he had shewn in his service, had called up to that House, and it was carried with very little opposition. Some alterations, however, had happened lately in the complexion of the House of Lords, where the court party lost one of its ablest advocates in the person of the earl of Chesterfield. He had, for some time, resigned his place of lord steward of his Majesty's houshold. It was generally believed, that he and some other noblemen of the highest distinction and zeal for his Majesty's service, as well as of great abilities in it, had been for some months secretly dissatisfied with the minister's measures, particularly in pushing the excise scheme so far as he had done. The minister had an intimation,

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seconded by lord Cadogan, the motion was agreed to without opposition: the earl of Chesterfield only declared his desire, that no words or expressions that might be put into their Address, should afterwards be made use of, either for or against any proposition that might afterwards be made or any question that might arise in that House. Then a Committee was appointed to draw up an Address, which was presented to his Majesty the next day, as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave, in the humblest manner, to return your Majesty our grateful and sincere thanks for your most gracious Speech from the throne.

"Your Majesty has given too many proofs of your good offices and endeavours to preserve the public peace and tranquillity, for us not to be thoroughly persuaded, that your Majesty cannot, regardless and unconcerned, behold a war now unhappily begun in Europe, undertaken by so powerful an alliance, and prosecuted with so much vigour. And as no occasion can require more caution, more wisdom, and more circumspection, than the present, to dictate what part is the most proper for Great Britain to act; so we have the fullest satisfaction in reflecting, in whose breast it lies, to make that determination for us.

"And as your Majesty has avoided coming to any final determination, till all engagements, by which you are bound to the several powers concerned, are duly examined, till all facts are fully and fairly stated, and till the result of the councils of other powers, in the same situation with your Majesty, are known; so we cannot but look on this prudent suspence of your resolutions as an earnest of our safety in your Majesty's councils; not doubting, but the same wisdom which prompted your Majesty to delay your determination, will also direct your choice, whenever you shall come to make it.

"The whole series of your Majesty's transactions, during your most glorious and happy reign, has convinced us, that there is no task to which you are unequal, nor any difficulties you cannot surmount; we therefore beg leave to assure your Majesty, not only of our gratitude for your past but our reliance on your future care; and intreat your Majesty to believe, that it is as impossible for us, who are benefited by the merit of that conduct, not to do every thing in our power to deserve it, as it is even for those who wish it less, not to allow it.

"Whatever expectations therefore, those who are envious of the prosperity, jealous of the honour, or rivals to the intetest of the British nation, may conceive from the result of our deliberations in Parliament; yet when all Europe shall see, that every new opportunity we have of declaring our sentiments, is a new proof of the harmony subsisting between your Majesty and your subjects, and of the confidence they place in you, we doubt not, but that all hopes of advantage to be taken from what shall pass amongst us, will be immediately dispelled, and that the zeal, vigour and unanimity, that shall appear amongst us, will not only double the assiduity of those who court your Majesty's friendship, but the apprehensions of

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that a plan for a new administration was upon the anvil; and he was not at all solicitous to prevent the removals and resignations that took place. The duke of Bolton, about the same time, resigned, or was forced to resign, his places of lord lieutenant and custos rotulorum of the county of Southampton, his regiment of horse, and his government of the Isle of Wight. The lord Cobham had always distinguished himself, in the worst of times, in favour of the house of Hanover and the Protestant succession. His courage was unquestionable. He had been highly in favour with all the heads of the Whig ministry; and though no speaker, was a man of taste and address; but from dissatisfaction with the minister, he at this time resigned his regiment of horse, as did the duke of Montrose the seals as lord privy-seal of Scotland: the lord Clinton likewise resigned his places as one of the gentlemen of his Majesty's bedchamber, and the lieutenancy of the county of Devon. Though these removals were far from being popular, yet some alterations that happened, about the same time, in the law, were highly so. Mr. Talbot, Solicitor General, was made Lord Chancellor of Great Britain, and a peer of England. He was son to the bishop of Durham, and looked upon as one of the clearest headed, as well as the best hearted lawyers, that ever practised. The other promotion was equally popular and judicious: it was that of sir Philip Yorke, Attorney General, to be Lord Chief Justice of the King's-bench, and a peer of England. The former was succeeded as Solicitor General by Mr. Rider, afterwards sir Dudley Rider; and the latter, as Attorney General, by Mr. since sir John Willes. The state of parties in the House of Commons, continued much the same as the last session." Tindal.

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those (if any such there are) who may provoke your resentment.

"And because the surest way, in these general troubles and commotions, to prevent any design being formed to molest or annoy your Majesty's dominions, is to shew how unsuccessful such a design must prove; nothing shall be wanting on our part that may conduce to the strengthening your Majesty's hands, and putting the nation, at this critical and important juncture, in such a posture of defence, as shall effectually protect its honour from any insult, its safety from any danger, and its tranquillity from any attempt to disturb it.

"We beg leave also to assure your Majesty, that the strict and due regard we always pay to your royal recommendation, as well as a proper concern for the support of our own characters and dignity, will certainly make us avoid, with the utmost caution, all heats and animosities in our debates, that we may shew, with a becoming unanimity, our duty to your Majesty, our care of the public welfare, and our regard to the interests and liberties of the people: we will also prevent, as far as in us lies, any improper delays retarding the dispatch of public business, or protracting the session into any unnecessary length, that your Majesty may not have the just pleasure you propose to yourself, in taking again the sense of the nation in a new representative, postponed; but that you may receive the earliest demonstrations of the goodwill of your people, and have the satisfaction to see they are as capable of gratefully feeling that happiness they enjoy under your Majesty's just and wise government, as you are ready, and willing to confer it."

The King's Answer.] The King's answer was as follows:

"My Lords,

"I thank you for this dutiful and loyal address. The satisfaction you express in my constant attention and endeavours for preserving the public peace and tranquillity and promoting the interests of my people, is extremely acceptable to me; and as the honour and dignity of my crown, and the good of my kingdoms, are my sole view, you may be assured of the continuance of my care and vigilance for those desirable ends, and of my firm resolution, in all events, to take such measures as may best answer the confidence you repose in me, and secure the safety and happiness of the nation."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, and the Speaker having reported his Majesty's Speech,

Mr. *Campbell*, member for Pembrokeshire, moved, "That an Address of Thanks be presented to the King, for his most gracious Speech from the throne: to acknowledge his Majesty's goodness in the concern he had expressed upon account of the war unhappily begun in Europe, and his Majesty's great wisdom in using so much precaution upon that critical conjuncture, in waiting the result of the councils of those powers, who were more nearly and immediately interested in the consequences of the war, and in taking time to examine the facts alledged on both sides, and to concert with those allies, who were under the same engagements with his Majesty and had not taken part in the war, such measures, as should be thought most advisable for the common safety, and for restoring the peace of Europe: to declare their unfeigned confidence in his Majesty, that in all his considerations upon that great and important affair, his Majesty would have the strictest regard to the honour and dignity of his crown and kingdoms, and to the true interest of his people: and to assure his Majesty that he might entirely depend upon the support and assistance of his faithful Commons, in such measures as he should find it necessary to enter into, for attaining and securing these great and valuable purposes: and that that House would make such provision for the safety and defence of the nation, as should secure his Majesty's kingdoms, rights and possessions from all dangers and insults; as might preserve the respect due to the crown of Great Britain; and not give any encouragement to the desperate views of those, who never fail to flatter themselves with the hopes of great advantage from public troubles and disorders: and to assure his Majesty, that that House would immediately take into their consideration such estimates and demands, as should be made by his Majesty for the public service; and raise the supplies, which should be necessary and answerable to the present exigency of affairs, with their known zeal and cheerfulness, and with a due regard to the interest of their fellow-subjects: and, that the public business might be dispatched with all proper expedition, that they would endeavour to avoid all heats and animosities, and

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all occasions that might tend to protract the session by unnecessary delays."

Mr. Campbell was seconded by Mr. Stephen Fox, and backed by lord Tyrconnel: Hereupon,

Mr. *Shippen* stood up and spoke as follows:

Mr. Speaker; I believe it has always been taken for granted, that the Speeches from the throne are the compositions of ministers of state; upon that supposition we have always thought ourselves at liberty to examine every proposition contained in them; even without doors people are pretty free in their remarks upon them: I believe no gentleman here is ignorant of the reception the Speech from the throne, at the close of last session, met with from the nation in general. It is not to be doubted, but the same freedom may be taken with any proposition made by any gentleman in this House, in consequence of such speech. I will not say the question moved by the honourable gentleman, was penned by the same hand that penned his Majesty's Speech, though there is a good deal of reason to believe it.—As to the motion, I have one very great objection to the whole; it is too cautiously and too generally worded: under such general expressions there may be designs concealed which the gentleman, who penned the motion, does not think proper now to declare; but when they come to be explained, this House may then probably find itself drawn into some difficulties, by making use of such uncertain expressions in the Address now proposed. There is indeed one paragraph, which I shall now lay my finger on: I cannot pretend to repeat the very words, for we, who hear the Speech and the motion but once read, are obliged in some manner to shoot flying; I think it proposes for us to say in our Address, "That we will support his Majesty in all those measures, which he shall think it necessary to enter into." Now, I am afraid, that under such a general expression, there may be couched, or at least it may hereafter be insisted on that there is couched, a promise of a Vote of Credit, and therefore I should be willing to have those words a little explained; for I shall always endeavour, as much as I can, to prevent this House being rashly drawn into such promises: I shall not pretend to offer any amendment till I have heard other gentlemen's sentiments; I now only lay my finger upon this part of the motion, after other gentlemen have spoke, I may possibly give my opinion farther, and perhaps offer an Amendment; but I could wish rather that the words were left out.

Sir *John Hynde Cotton* spoke next:

Mr. Speaker; I agree in a great measure with the motion; but I have an objection to the passage where we promise to provide for the security of his Majesty's kingdoms, 'Rights,' and 'Possessions:' Now, Sir, these last words are so general, that I am afraid they may include his Majesty's German dominions; I am persuaded they will be understood in this sense by all without doors, whatever this House may intend to mean by it: the gentleman who opened the debate has, it is true, satisfied me, and I believe every gentleman in the House, that no such thing is intended; but I think it likewise necessary to satisfy the world without doors; I think it incumbent upon us, to assure our constituents, that no such thing was ever meant, and therefore I think it will be proper to add some explanatory words; for which reason I shall beg leave to move for this Amendment, viz. That the words, 'thereunto belonging,' may be added after the word 'Possessions,' so that the sentence will run thus, "As shall secure his Majesty's kingdoms, rights and possessions, thereunto belonging, from all dangers and insults."

Mr. *Campbell* replied:

Mr. Speaker; I believe I did open the affair before us in the manner the honourable gentleman pleased to mention: but it was not from an opinion, that there really was any possibility for putting such a sense upon those words, as the gentleman seems to be apprehensive of: they are so fully explained, both by what goes before and by what comes after, that there is no room for imagining, they ever were meant to comprehend his Majesty's German dominions; every man must see they relate only to the foreign rights and possessions belonging to the crown of Great Britain: I gave some explanation of them, only to preclude any exception being taken, by gentlemen's considering those general words by themselves, and without regard to what went before, or followed after: but to any gentleman either within or without doors, who considers the whole together, there cannot so much as a doubt arise about the meaning; they can relate to nothing but what belongs to his Majesty

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as king of Great Britain, therefore I cannot think there is the least occasion for the Amendment proposed.

Lord *Coleraine* stood up and said:

Mr. Speaker; the gentleman who spoke last, has not in the least satisfied me, as to the meaning to be put upon the words objected to; for if those words be taken in a strict grammatical sense, they must certainly comprehend his Majesty's German Dominions: those dominions are certainly a part of his Majesty's possessions, and as such must be comprehended under those general words; nor can I see any restriction put upon them, either by what goes before, or what follows after; even the Amendment proposed, will not, I am afraid, be sufficient to restrain them as they ought to be, and therefore I am of opinion, that the Amendment ought to be in these words, 'belonging to 'the crown of Great Britain,' so as that the sentence may run thus, 'As shall secure his Majesty's kingdoms, and all the rights and possessions belonging to the crown of Great Britain, from all dangers and insults.'

Mr. *Henry Pelham* spoke next, as follows:

Mr. Speaker; the question moved by the honourable gentleman was, I thought, so aptly worded, and, to use my worthy friend's expression, so cautiously worded, that I did not imagine any objection would have been made to it. As to the words, Rights and Possessions, the proper meaning of them seems to me certain and apparent: doubts have lately been raised about some of those dominions, which properly belong to the crown of Great Britain; and though there never was any foundation for those doubts, yet some gentlemen have strongly insisted there was still something wanting, something farther necessary to be done, in order to secure her enjoyment of those possessions: from that consideration alone, if there were no other, every gentleman must conclude, all that could be meant by those general words, was, to comprehend the several British possessions in foreign parts; but as to his Majesty's German dominions, as they in no way belong to the crown of Great Britain, which is mentioned in the very next sentence, I cannot believe any gentleman in this House, or without doors, will ever imagine they were meant to be comprehended under those general words, therefore I cannot think any Amendment necessary.

Mr. *Pulteney* stood up and said:

Mr. Speaker; when I heard his Majesty's Speech, and the motion made by the honourable gentleman, I was in hopes, Sir, we should have separated to day without any debate; yet I must own, the words taken notice of by my honourable friend (Mr. Shippen) did at first strike me a little. I was indeed a little afraid of the consequences, or at least of the use that might be made of such words, but I was resolved to pass them over in silence: however, now they are taken notice of, I must say, some Amendment in order to restrain them a little, will not be unnecessary. I am not for leaving them out entirely, because one part of his Majesty's Speech would stand without any answer; and I am unwilling this House should, upon any occasion, shew the least want of respect and complaisance towards his Majesty. I therefore take the liberty to propose an amendment, but I must acquaint the House, that the motion I am to make, is without any view of making a difference or division among us this day; nor shall I insist upon it, if not entirely agreeable to every gentleman in this House. I know very well, we are not tied down by any general expressions in an Address of Thanks to his Majesty: but I remember, a Vote of Credit passed in this House, towards the close of a session, * for which there was no other foundation but some general expressions in the Address of Thanks, which had been voted the first day of the session, in answer to his Majesty's Speech from the throne; and therefore we ought to be extremely cautious in agreeing to any sort of words, from whence the promise of a Vote of Credit may be afterwards inferred: for this reason I shall beg leave to add a few words by way of Amendment, viz. 'Provided such measures shall 'appear to this House to have been neces-'sary for obtaining such ends.' In which case the paragraph, taken notice of by my worthy friend will run thus, 'And to assure his Majesty, that he may entirely depend upon the support and assistance of his faithful Commons, in such measures as he shall find it necessary to enter into, for attaining and securing these great and valuable purposes; provided such measures shall appear to the House to have been necessary for obtaining such ends.' To this

* See vol. 8, p. 563.

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Sir *Robert Walpole* replied:

Mr. Speaker; The honourable gentleman who spoke last has proposed an amendment, but has not made any direct motion for that purpose; and he was pleased to say, what he proposed was without any view of making a difference or division among us; I am very glad to find that gentleman is now come to be of that way of thinking, for nothing can contribute more to the honour of this House, than a harmony and unanimity in all our proceedings; therefore I hope the gentleman will not insist upon the amendment he has proposed.—One of the objections to the question before us, made by the gentleman, who spoke first against it, was that it was too general, and worded with too much caution: this is an objection of a very new nature; the chief objection to addresses of this nature has generally been, that they descended too much into particulars, and were not worded with proper caution. From this general objection the gentleman was pleased to come to a particular, and took notice of some words under which, he said, he believed a Vote of Credit was intended to be couched: but does not every gentleman in this House know, that his Majesty never desires any such thing as a promise of a Vote of Credit, nor has it ever been usual, for this House to make any such promise? The usual method has always been, whenever his Majesty wanted any such thing as a Vote of Credit, he always acquainted the House of it by a direct message for that purpose; therefore there is now no ground to presume an intention of couching a promise of a Vote of Credit, under any general words proposed to be put into the address. —As to the case mentioned by the honourable gentleman who spoke last, I don't remember there was ever any Vote of Credit, founded upon a pretended promise contained in the Address of thanks at the beginning of the session. There may have been a case, but I cannot say whether it may have been a late case, or one of an older date: however this I am certain of, that no such thing is intended by the words now objected to, nor will there, I believe, be any such use made of them.—The other objection is equally without foundation. I do not believe it can so much as once enter into the heart of any man to imagine, that by the words 'Rights and Possessions', this House means to include his Majesty's German dominions: if ever those dominions should come to be in such danger, as that his Majesty should find it necessary to ask the assistance of this nation, he would certainly do it by a direct message to parliament; I am very sure, at present, no such thing is thought of, nor is there the least shadow of reason for suspecting there will be any occasion for such demand: the words, 'Rights and Possessions,' must therefore be understood to relate only to the foreign possessions belonging to Great Britain; had those words been left out, to willing minds, at least, it would have afforded a pretence for the raising of much greater alarms without doors; it then might probably have been said, that we were going to give up some of those valuable possessions we have abroad; possessions so valuable, that I hope this nation will never consent to give them up. —Upon the whole, Sir, however unwilling some gentlemen may pretend to be, to create differences and make divisions in this House, I am persuaded, nothing but a desire to do so, could have raised objections to the question now in your hand, and as I have not heard any colour or reason for supporting the amendments offered, I must be against them.

Sir *William Wyndham* spoke next:

Mr. Speaker; though the honourable gentleman, who spoke last, does not seem to remember the case mentioned by the gentleman who spoke just before him, I remember it well, and I speak of it with the greater confidence, because this very morning I looked over some of the Journals of the House, together with my honourable friend, by which I found that famous Vote of Credit was agreed to in this House, April 12, 1727, towards the close of the session: I remember there was a very thin House,* and no other foundation for that vote, hardly indeed any material argument offered in favour of it, than what has been mentioned by my honourable friend. I remember it bore a very strenuous debate, and that the gentleman (Mr. Winnington) who sits behind the honourable person who spoke last, had a very considerable share in that debate, and was one of the tellers against the question.—Whether any such use is now intended to be made of the

* It is surprising that sir William having that very day consulted the Journals, should have been mistaken in this particular; for the division upon the question was 229 in the majority, and 109 in the minority, which at the close of the session is a remarkably full House.

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general expressions objected to, I shall not say; but that I do not take to be the matter in dispute: the proper question is whether any such use can be made of those general expressions? for if it can, we are not to depend upon the assurances of any member of this House that it will not; therefore, lest any such use should hereafter be made of those general expressions, it is highly necessary some words should be added, for restraining them to what is now declared to be the meaning and intention of them: for my own part, I am very easy about it, because I am now free to declare, that if ever any Vote of Credit of the same nature with those lately agreed to be proposed or moved for in this House, I shall always be against any such, as long as I have the honour to sit in this House; nor shall any general words, or any express promise contained in any former Address, be of the least weight with me in such a debate.

Hereupon Mr. Winnington gave an account of the Vote of Credit agreed to in the year 1727; but Mr. Gibbon and Mr. Sandys objecting to his account of that transaction,

Sir *William Yonge* spoke as follows:

Mr. Speaker; I was at some distance, when the honourable gentleman on the floor first mentioned the case, which seems now to be the subject of debate; and though I had not looked into the Journals this morning, yet I could not but think it was impossible, that ever any House of Commons should have proceeded in the manner represented. I have now looked upon the Journals of that and the preceeding session, and as I have the book in my hand, I shall from thence set that matter in a clear light. In the year 1726, his late Majesty sent an express Message to the House of Commons* then sitting, by which he acquainted them, that in order to prevent and frustrate such designs, as had been formed against the particular interest of this nation and the general peace of Europe, he found it necessary not only to augment his maritime force, but to concert such other measures as might most effectually conduce to these desirable ends; and as these services would require some extraordinary expence, his Majesty hoped he should be enabled, by the assistance of parliament, to encrease the number of seamen then before voted and granted for the service of that year; and to enter into and make good such Engagements, as the circumstances and exigency of affairs might require. Upon this Message, the House of Commons, as in duty they *ought*, voted and presented an Address to his Majesty, that he would be pleased *to make* such addition to the number of seamen then before voted; and to concert *such* other measures, as his Majesty should in his great wisdom think would best conduce to the security of the trade and navigation of this kingdom, and to the preservation of the peace of Europe; and assured his Majesty that the House would effectually provide for, and make good all such expences and engagements, as should be made for obtaining those great and desirable ends.—At the beginning of next session, his Majesty, in his speech expressly said, That as the expence he had in the preceding year been in a particular manner intrusted to make had amounted to no considerable sum; and the public utility might again require the like services to be performed, he hoped they would again repose the same trust and confidence in him. To this the House of Commons in their Address of Thanks,* as expressly answer and promise, that they would repose such a trust and confidence in his Majesty as the public utility should require, and as his Majesty should find reasonable and necessary for carrying on the great work, in which his Majesty was engaged, for the interest and security of his people, and the common cause of Europe. —Thus every gentleman may see, *that* the Vote of Credit agreed to at the end of thats session, was not in consequence *of a* few general words in their Address of Thanks, in return to his Majesty's Speech at the beginning of the session; but in consequence of an express demand in the Speech, and as express a promise in the Address of Thanks; and from thence, I think, every gentleman may see how vastly different that case is from what is now the subject of debate.

Mr. Scroope stood up, and gave an exact account of the several Votes of Credit passed by the House; and declared it to be his opinion, that there was no occasion for any Amendment to the Address: hereupon

Mr. *Pulteney* rose up again and said:

Sir;—The honourable gentleman, who

* See Vol. 8, p. 516.

* See Vol. 8, p. 533.

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spoke last, has in a few words explained how the several Votes of Credit have been granted; he and I do not differ much in our accounts; but the honourable gentleman, who spoke with the book in his hand, and set out with a promise of clearing that matter fully, has, in my opinion, and I believe, in the opinion of every gentleman who heard him, left the matter just where he found it; therefore I would advise him, for the future, to speak without book.—Can any gentleman imagine, that, in consequence of the paragraph of his late Majesty's Speech mentioned by the honourable gentleman, or the Answer thereto in the Address of Thanks, a Vote of Credit was or ought to have been agreed to, without a new Message from his Majesty, signifying that the public utility did actually again require the reposing of such a trust and confidence in his Majesty, as had been reposed in him the preceding year? Does any gentleman suppose, that this House is to repose such a trust and confidence in the crown, only because it is demanded by the crown, and without assigning any reason for so doing? No, Sir, I appeal to every gentleman present when that Address was agreed to, whether he did not think, that all that was meant or intended by those general assurances in their Address of Thanks, was, that they would again repose the same trust and confidence in his Majesty, if upon a new Message, it could be shewn them, that the public utility required it: but gentlemen found afterwards another use made of those general expressions; they were at the end of the session made the only argument for agreeing to a Vote of Credit; and lest the same thing should be again practised, we ought to be extremely cautious of putting any such general expressions in our Address of Thanks.—When I first stood up, I said I had no intention of making a division or difference amongst us to day, and the honourable gentleman, who spoke next after me, said, he was glad to find me in that way of thinking. Sir, I am now in the same way of thinking I always was; and if other gentlemen think in the same way they have lately taken up, I am afraid we shall have many and great differences before this session can well be at an end. The honourable gentleman said he did not remember, whether the case of a Vote of Credit I mentioned was of a late or old date: alas, Sir, there are no such votes of credit to be found of an old date; votes of credit of old were of a very different nature, they were never so much as asked, but for some particular purposes expressly mentioned; the sum was always limited; the parliament became sureties only for that sum; and an exact account was afterwards given to parliament to what purposes the money so granted was applied: but our late votes of credit have all been granted in the dark; we have granted sums unlimited without knowing to what uses the money so to be raised was to be applied; and we could never have any proper account, though often asked for, how the money was disposed of.—However, Sir, though I wish we may separate to day without any division, yet I hope we shall have many days after this to enter into the consideration of affairs of very great consequence. The calamitous situation of our affairs both at home and abroad necessarily requires the consideration of parliament: there are many, many grievances both foreign and domestic, under which the nation groans at present, and which call loudly for redress; therefore, though we promise not to protract or prolong the session by unnecessary delays, yet I hope we shall not separate before we have taken all those matters properly under our consideration: the State of the Nation must be called for, and, I dare say, this House of Commons, which has shewn so much regard for their fellow-subjects, will envy any succeeding House of Commons the glory of redressing those many grievances we now labour under: on such an occasion, I hope, gentlemen will be emulous who shall attend best; and when such a spirit of liberty appears over the whole nation, I am convinced no man will dare desert his duty in this House, when affairs of such moment demand his attendance in parliament.

The above Amendments not being insisted on, the question was put upon Mr. Campbell's motion, and agreed to without a division: a Committee was also appointed to draw up an Address of Thanks accordingly.

The Commons' Address of Thanks.] January 18. The said Address was reported to the House, and agreed to, as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return your Majesty our humblest

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Thanks for your most gracious Speech from the throne.

"We are truly sensible of your Majesty's goodness; and hear with the deepest sense of gratitude the concern you are pleased to express, for the war unhappily begun in Europe; and acknowledge with the highest satisfaction this new proof your Majesty has given us, of your great wisdom in waiting at this nice and critical juncture, the result of the councils of those powers, who are more nearly and immediately interested in the consequences of this war, before your Majesty makes any final determination for your own conduct; not wondering, that the same prudence and precaution, the same concern and circumspection, that have guided and directed every step hitherto taken in your Majesty's happy and auspicious reign, should now induce you to take time to examine the facts alledged on both sides, and to concert with those Allies, who are under the same Engagements with your Majesty without having taken part in the war, particularly the States General of the United Provinces, such measures, as shall be thought most adviseable for the common safety, and for restoring the peace of Europe.

"That your Majesty in all your transactions, in this great and important affair, will have the strictest regard to the honour and dignity of your crown and kingdom, and to the true interest of your people, is what not only your Majesty's royal assurances, but our happy experience of all your Majesty's past conduct leave us no room to doubt.

"And as we have an entire confidence in your Majesty's judgment to discern, and solicitude to procure the welfare and interest of your subjects, so your Majesty may depend upon the effectual support and ready assistance of your faithful Commons in all such measures, as your Majesty shall find it necessary to enter into for attaining and securing these great ends.

"And we beg leave farther to assure your Majesty, that your Commons will make such provision for the safety of your kingdoms, as the present situation of affairs and exigency of the times require; such provisions, as shall effectually secure your Majesty's kingdoms, rights, and possessions, from all insults and dangers; as shall preserve the respect due to the British nation abroad, and guard its safety at home; that not the least encouragement may be given to the desperate views of those, who never fail to flatter themselves with hopes of some advantage from public troubles and disorders, and of molesting the inseparable interests of your Majesty and your people.

"Such Estimates and Demands, as your Majesty shall think fit to lay before your Commons for the public service, shall be immediately taken into our consideration; and your Majesty may depend on our known zeal for raising such Supplies, as shall be necessary and answerable to the present circumstances, with our usual cheerfulness and approved fidelity, and a due regard both to the ease and interest of our fellow subjects.

"And that the public business may be dispatched with all proper expedition, and the present session not protracted by any unnecessary delays, we will endeavour to avoid all heats and animosities, and to proceed with that unanimity, which the justice and prudence of your Majesty's mild and wise government may expect and claim, and may give weight to our deliberations, and maintain the dignity of parliament."

The King's Answer.] Jan. 19. The above Address was presented to the King, who returned the following Answer:

"Gentlemen,

"I return you my thanks for this very dutiful, affectionate, and loyal Address, and for the confidence you repose in me, which, you may be assured, shall always be employed for the honour of my crown, and the true interest of my people."

Debate in the Commons on Sir J. Rushout's Motion for Copies of the Instructions sent to the British Ministers in France and Spain, relating to the Execution of the Treaty of Seville.] Jan. 23. The House resolved, That an Address be presented to his Majesty, to give directions, that a copy of the Treaty between his Majesty and the Emperor, concluded at Vienna in the year 1731, with the secret and separate articles, and the States Generals Act of Concurrence to the same, should be laid before the House. Then sir John Rushout stood up, and moved, "That an humble Address be presented to his Majesty, that he would be pleased to give direction, that the Letters and Instructions sent to his Majesty's Ministers at the Court of France and Spain, relating to the execution of the Treaty of Seville,

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should be also laid before the House *: upon which ensued a debate, in which

Sir *William Yonge* spoke as follows:

Sir;—I do not stand up, to say any thing against the power, which this House has of calling for whatever papers they may think necessary, to give them proper lights into any affair they are going to take under consideration: that the House has such a power, is what I believe no gentleman will deny; but then every one must grant, that this power ought to be used with great caution and discretion; no papers ought to be called for, but those which properly relate to the affair in hand, and without which it would be impossible to understand fully and clearly what we are to be about. It has been resolved to address his Majesty, to order a Copy of the Treaty of Vienna to be laid before us, but I cannot apprehend what connection there is or can be, between that Treaty and the letters and instructions sent to our ministers at the courts of France and Spain, relating to the Treaty of Seville. Can it be supposed, that those letters and instructions have any relation or concern with a treaty afterwards concluded with the Emperor, who was not at that time in good terms with either of the other two courts? As all such negociations are carryed on in the most secret manner possible, it cannot, in my opinion, be supposed, that our ministers, either at the court of France or Spain, knew any thing of those negotiations at Vienna, which so happily ended in that treaty; and therefore it is impossible to suppose, that we can, from the letters and instructions sent to them, receive any light or information, with respect to the treaty of Vienna now called for.—But granting, Sir, that some possible connection might be found out, between the treaty of Vienna and the letters and instructions which the honourable gentleman has been pleased to move for, yet there is another rule to be observed in the using that power which this House has of calling for papers, which, in the present case, will be an effectual bar to the motion: though this House has a power of calling for Papers, yet we ought in no case to call for those Papers which may contain secrets, the publishing whereof might be of signal disadvantage to the commonwealth; I believe it will be granted, that a secret communicated once to this House, is in great danger of not remaining long a secret: it was never known that a secret was long kept by any such numerous assembly; and therefore we ought to be extremely cautious, and never call for any papers which may contain such secrets. For my own part, I do not pretend to know the nature of those instructions or letters; but it is certain, that some of them may contain something not proper to be published to the world at this juncture; the publishing of them might, perhaps, open old sores, and give offence to some of those powers with whom we have at present a good understanding; by which his Majesty's negotiations for restoring the tranquillity of Europe might be very much embarrassed, perhaps rendered entirely fruitless; and therefore I cannot but think, that any such general call for papers is now, and always will be of dangerous consequence.—If this House should at any time hereafter resolve to take the treaty of Seville into their consideration, when that day comes, if any gentleman of this House can then lay his finger on any particular Paper, which he thinks may be necessary for the information of the House, he may then move for it, and the House may, if they think proper, agree to such a motion: but to make such a general motion as the present, and to call for all the letters and instructions sent to our Ministers at those two Courts in general, I think most improper and irregular, and therefore I shall give my negative to it.

Sir *William Wyndham* replied:

Sir;—Notwithstanding what the ho-

* "The parliament assembled on the 17th January, and as it was the last session, the minority exerted their utmost efforts to distress the minister, and to increase his unpopularity. The plan of attack was in this, as in the session of 1730, principally formed by Bolingbroke; and under his auspices, and by his direction, ably conducted by sir William Wyndham, who seems to have particularly distinguished himself in the debates. They first tried their strength in various motions for papers and copies of instructions which were sent to the British ministers in France and Spain; for an address to know how far the King was engaged by his good offices in the causes of the war against the emperor; and for an account of what application had been made by the parties engaged in hostilities. In these motions their exertions were baffled by the minister, and the smallest majority in his favour was 95. Having exhausted their efforts in regard to foreign transactions, in which he appeared to be most vulnerable, they directed their views to domestic events." Coxe's Walpole.

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nourable gentleman, who spoke last, has said, I cannot help being of opinion, that the motion made by my honourable friend is regular, and that the papers he has called for, are such as must necessarily tend to give the House a great deal of information, not only with relation to the treaty of Seville, but likewise with relation to the treaty which we shall soon have, I hope, laid before us, in pursuance of the resolution we have just now come to; and therefore I take it to be as proper now, as it can be when the day comes which the gentleman speaks of.—As to any secret which may be contained in the papers called for, and which it would not be proper at present to publish to the world, that can be no argument against the motion; because, if that should happen to be the case, his Majesty would communicate to us none but such as contained no such secrets; and in his answer to our Address would acquaint us, that the other letters or instructions contained such secrets as were not proper to be revealed at present: this would be a proper answer from his Majesty, and such an answer as this House would certainly rest satisfied with, unless some very strong reasons appeared to the contrary: but, Sir, this is an answer which ought not to be taken from any other person but his Majesty; it is below the dignity of this House to take it from any other; it is what no member of this House ought so much as to insinuate; for any such insinuation is offering an indignity to the crown, because it seems to be a dictating to his Majesty, and prescribing to him what answer he is to make to the address of this House. The gentleman spoke of opening old sores, and that the publishing of those papers might give offence to some of those powers we are now in friendship with; this seems to be a very extraordinary reason against the motion; for I am sure this reason will hold equally good against calling for any treaty, or any paper relating to foreign negotiations; and I can see no difference between denying that the House has a power to call for any papers, and making use of an argument, which, if allowed, would render that power altogether ineffectual: but, Sir, I would gladly know what prince, what state there is now in Europe, whom we have not disobliged and fallen out with by turns; and shall it be said, that the publishing of those negotiations which we carried on while we were at enmity, or at least not in a cordial friendship with them, will open those sores which were entirely healed up by a new treaty afterward concluded with them? Does not every gentleman see, that this argument strikes against this House's ever desiring to have any foreign treaty or negotiation laid before them, except such as have been before published to the world?—As to the connection between the papers now moved for and the treaty just before called for, it is in my opinion evident: For what end have we called for a copy of the treaty of Vienna? What are we to consider of, when we enter into the consideration of that treaty? Are not we to consider, whether it was for the benefit of this nation, or not? And how shall we determine this, without knowing the circumstances, or those affairs, which made it necessary for us to conclude such a burthensome treaty? It is well known, that by that treaty we entered into very great engagements; engagements, which, if punctually performed, may cost this nation infinite sums of money; and engagements which we certainly ought not to have entered into, if the public tranquillity could have been established at any cheaper rate. Is it to be presumed, that the impossibility, which was found of carrying the treaty of Seville into execution, without involving ourselves and all Europe in a bloody war, was what made it necessary for us to agree to those engagements contained in the treaty of Vienna: and how is it possible for us to determine, whether or no there was an impossibility of carrying the treaty of Seville into execution, without having all those papers first laid before us, which relate to the execution of that treaty? It was, I remember, when first concluded, a treaty which was much bragged of by the friends of the gentleman who spoke last; and if it was so good a thing, I cannot find out why he or his friends should be so fond of keeping secret either the means by which it was obtained, or the methods that were afterwards used for carrying it into execution. As to the means by which that treaty was obtained, they may not, perhaps, relate much to the treaty of Vienna; but as to the methods used for carrying it into execution, the last of which was the treaty of Vienna, every man must see the connection, and therefore every man must be convinced, that it is necessary for us to have the papers now moved for laid before us, before we can properly take the treaty of Vienna into our consideration.—His Majesty, Sir, in his speech from the throne, recommends

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the present situation of affairs to the consideration of Parliament; he recommends it to us thoroughly to weigh and consider all circumstances before we come to a final determination; but if such things as are necessary for our information are, when called for, refused by those in power, how is it possible for us to answer his Majesty's expectations? It must be owned, that we have of late years been in very odd circumstances; and our present situation may, perhaps, in the opinion of many, be owing, in some measure, to the mismanagement of those in the administration; I shall not say it is so; but if this be not the case, I can see no reason for refusing the papers now called for; and if this be really the case, it ought certainly to be inquired into; and the papers now called for, as well as a great many others, must necessarily be laid before us, in order to enable us to make a proper inquiry, and to apply proper remedies for those evils which the nation labours under at present. Upon the whole, Sir, as I said at first, I think the motion now made to us most regular; I think it is absolutely necessary for us to have those papers laid before us; for without them, I am sure, the resolution we have just now come to can be of no effect, and therefore I hope the House will agree to the motion.

Sir *Robert Walpole* spoke next:

Sir;—I stand up to agree in some part with the honourable gentleman who spoke last; If we are at present in any unhappy situation, and if it be but thought, by any gentleman in this House, that that situation is any ways owing to the mismanagement of those in the administration, in my opinion, whoever thinks so, ought to move for this House's going into such an inquiry; they ought to move for the House to go into a Committee upon the state of the nation; and, upon the foot of such an inquiry, I will willingly join issue with the honourable gentleman, or any other gentleman in this House. Whenever the House shall please to resolve upon going into such a Committee, I promise, that so far as lies in my power, nothing shall be refused, that is thought proper or necessary for giving the House all the information, that can be wished or desired: But as that time is not yet come, I must think that the motion now under consideration is very irregular, and seems calculated rather for giving gentlemen an opportunity of declaiming against those, who have the honour to serve the crown, than for procuring any proper information to the House, or any advantage to the country.—It is usual, Sir, for some people to make motions, rather to fix unpopular things on others, than to have any information for themselves: they make motions in order to make a figure in the votes, which are sent to all parts of the nation, and to serve some particular ends of their own: when a negative is put upon any such motion, they are then ready to cry out, "We would have relieved you, we would have extricated you from all the difficulties you labour under, but we were by power denied the means of doing it." This, Sir, is a piece of management, it is a sort of parliamentary play, which has always been practised by those who oppose the measures of the administration; I remember it as long as I remember parliaments, and have by my own experience been acquainted with it: I can remember motions made with no other view, but to have a negative put upon them; and particularly at the beginning of a session, the language among such gentlemen has always been, "We must give them no rest, but make motion after motion; if they agree in any motion we make, it will distress them; and if they put a negative upon every one, it will render them odious among the people."—This, I say, has been always the common practice of those who are resolved, at any rate, to oppose the administration; but I must take notice that to say, that any motion in parliament is refused by power, is, in my opinion, a very unparliamentary way of speaking: When any motion is made, every gentleman is at liberty to debate with freedom upon it, and to agree or disagree as he thinks reasonable; if it be rejected, it must be by a majority of the House, and becomes an act of this House; and to say, that what is an act of the House, is an act of power, is not, I think, speaking in the language of parliament.—I shall likewise agree with the honourable gentleman, that when any papers are moved to be called for, the House is not to be told by any member, or any but his Majesty, that such papers contain secrets which must not yet be discovered; but I hope the gentleman will agree with me, that it is below the dignity of this House to present insignificant addresses to his Majesty; we are not to desire of his Majesty what, evidently and at first sight, appears to be such as his Majesty cannot comply with; and therefore, when a motion for any such

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address is made, any gentleman of the House may, nay he ought, if he thinks so, to rise up and shew to the House, that what is desired by the address moved for, is of such a nature, that his Majesty cannot comply with it; and this I take to be the case now before us. In most public negotiations, there are some things may happen which ought never to be revealed; in every negotiation, some things, I believe, do happen, which ought not to be published to the world for a great many years after; and therefore it must be very irregular to desire his Majesty to lay before this House, that is, to publish to the world, all the Letters and Instructions relating to a negotiation, which happened but a very few years ago.—Gentlemen may assign what causes they please for the Treaty of Vienna; but when that Treaty comes to be considered by this House, I believe it will appear, that we thereby entered into no extraordinary or burdensome engagements; it will appear, I believe, that we are not thereby obliged to do any thing, but what we were by the nature of things, and by the circumstances of the affairs of Europe, obliged to do, if no such treaty had ever been made. If this should appear, it will then be certain, that what the honourable gentleman was pleased to mention, was not the true cause, or the only foundation of the Treaty of Vienna; so that, till this House has entered into the consideration of the Treaty of Vienna, and has found that the engagements thereby entered into were such, as we ought not to have taken upon us, if there was any other way left of carrying the Treaty of Seville into execution, without entering into a war; 'till such time, I say, it cannot so much as be pretended, that there is any connection between the letters and instructions relating to the execution of the Treaty of Seville, and the Treaty of Vienna now resolved to be called for; and therefore, till that time, the motion now before us cannot be a proper or a regular motion. —Before I conclude, Sir, I must take notice, that the way which some gentlemen have got into, of making panegyricks, and praising the ministers for their great and profound wisdom by way of irony at one time, and at other times calling names, such as, 'A cowardly administration, a wheeling, shifting ministry;' (though by the by, I never understood the present to be a shifting administration; for, as I take it, the great quarrel amongst us is, that the administration has not been shifted) such a way, I say, Sir, is a method of speaking, which very ill becomes any member of this House. Though I cannot agree with gentlemen who say, that this nation is at present in so unhappy a situation; yet I must grant that the affairs of Europe are not at present in a very happy situation; and if the errors or mismanagement of any of the administration here, has contributed in the least to the present posture of affairs in Europe, I must think that they very little deserve to serve the crown; but really by some gentlemen's way of talking, one would imagine that the ministers of England were the ministers of Europe; or that madness and folly reigned at this court, and that the most profound wisdom prevailed at all others; If any unforeseen accidents abroad, if the ambition of any foreign prince, or the misconduct of any foreign court, produce any untoward effects, or occasion any troubles or commotions in Europe, the ministers of England are immediately loaded with the whole; it is they that have done the mischief, and they must answer for it. This, Sir, is a way of treating those who have the honour to serve the crown, which to me really seems neither candid nor just: However, I shall trouble you no farther, but only to declare that I shall be against the motion, which the honourable gentleman has been pleased to make.

Mr. *Shippen* answered:

Sir;—As the honourable gentleman, who spoke last, has made grievous complaints of the treatment he and his friends receive from other gentlemen, I am a good deal surprized that he should, at the same time, fall into that very error which he so much complains of in others; for to say, that gentlemen make motions, only for the sake of having an opportunity to declaim against those in the administration; or for the sake of making a figure in the votes, is language, in my opinion, as unparliamentary, and treating gentlemen with as little candour, as what he has blamed others for. —I must say, Sir, that it seems to be a very difficult matter, to know how to please those great men in the administration; for I find that when any encomiums are made upon them, when any thing is said in praise of their measures, they immediately take it to be meant by way of irony; and if any gentleman happens to give them any names which may seem to be a little harsh, those they understand exactly as they are spoke, and complain

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that gentlemen do not treat them in a parliamentary way. But, Sir, whatever other gentlemen may do, I am none of those who have bestowed panegyrics either upon the present or upon any administration, and I hope I never was, or ever shall be guilty of calling names. Perhaps the honourable gentleman may dislike those names, which he pretends have been given to him in this House; whether it be parliamentary language or not I shall not determine, but I must tell him, that it is very soft and pleasant language when compared with that of the people of England: were he to hear them speak, he would hear them speak in a style very different from that used at court, or even in this House; and I believe it would be for his advantage, to give a little more attention to the plain language of those he looks to be none of his friends, than to the soothing flatteries of his creatures and parasites about him.—Sir, gentlemen may make themselves merry, but what I have said may perhaps, when it is too late, be found to be true; and whatever the honourable gentleman and his friends may pretend to think of the present motion, I must be of opinion, that it is not only reasonable but that it is a natural consequence of what was immediately before moved and agreed to; and therefore I hope this House will act so consistently with itself, as to agree to the present motion likewise. What information we may get from the papers moved for, with regard to the Treaty of Vienna, the gentleman who has seen them can best tell; but as that Treaty was the immediate consequence of the negotiations relating to the execution of the Treaty of Seville, I must think that the journal of those negotiations will afford us some light, with regard to that Treaty which immediately followed; and therefore I hope the gentleman will excuse me for not taking it upon his word, that the papers called for can have no manner of connection with the Treaty, which we seem now resolved to take into consideration.

Mr. *Pulteney* spoke next:

Sir;—I stand up now, as I have been obliged to do upon many other occasions, to assert the rights and the privileges of this House; we have not only a right to call for what papers we think necessary for our information, but we have a right to have the papers so called for, laid before us. The honourable gentleman on the floor seems highly offended at an expression, which dropped from my honourable friend by me. I will agree with him, that this House may or may not agree with the present, or with any other motion, that shall hereafter be made by any gentleman in this House: this is a privilege, which I hope shall always be preserved, not only in show, but in reality; I hope no gentleman shall ever atttain to such a power, as to have a majority in this House always ready to approve what he pleases to propose; and I will likewise agree with him in this, that when any motion is rejected by a majority, it then becomes an act of the House, in which every gentleman must acquiesce; but I hope he will agree with me, that till the question is put upon any motion, and the opinion of the House taken upon it, it does not become an act of the House: now as no question has yet been put upon the present motion, and as it has yet been opposed only by those who are immediately concerned in the administration, I think it may properly be said, that what has been asked has been refused by power, or at least by those in power.—The gentlemen who opposed this motion, are forced to acknowlege, that this House has a power of calling of what papers we please; but then, say they, you ought not to call for the papers relating to any foreign negotiation, because all such papers must contain secrets which ought not to be published to the world. Is not this saying and unsaying in the same breath? You may call for what papers you please; but you must not call for the papers relating to any foreign negotiation, because the addressing for those appears, at first sight, to be such an address as his Majesty cannot comply with. Sir, I say, that when this House finds it necessary, they may call for all the papers relating to any negotiation whatever, and may insist upon having all of them laid before the House. Do not we know, that upon such occasion we name a secret and select committee to inspect such papers, and to report what they find in them relating to the affair under our consideration; and I hope we shall always have in this House ten or a dozen gentlemen, as capable to distinguish what ought to be kept secret, and as capable to keep those secrets, as any secretary or other minister of state, that is or ever shall be in this nation.

I am really surprised to hear gentlemen pretend, that there is no connection between the negotiations for carrying the

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Treaty of Seville into execution, and the Treaty of Vienna; when by that very Treaty of Vienna the Treaty of Seville was actually carryed into execution. It is plain to the whole world, that the Treaty of Vienna was the last negotiation set on foot for carrying the Treaty of Seville into execution; and in order to judge of this last negotiation, we only desire to see the Papers relating to the preceding negotiations, which were carried on for the same purpose. It may, for what I know, be true, that by the Treaty of Vienna we entered into no engagements, but such as we were obliged to by the nature of things, and the circumstances of the affairs of Europe; but it must surely be granted, that an express stipulation is more binding than a natural obligation; and that no prudent man will confirm a natural obligation by an express stipulation, unless he has some very good consideration for so doing: if we had entered into no express engagements, we should have left our posterity in the same case we were in ourselves; they might then have judged as well as we, by the nature of things and the circumstances of the affairs of Europe, as they should then have appeared to them; but now they are pinned down, they must judge only by the terms of the Treaty which we have made for them; and though the nature of things and the circumstances of Europe, should be entirely altered, it will, without doubt, be insisted on, that they ought to perform those engagements we have subjected them to.—The honourable gentleman said, that if the nation was in an unhappy situation, and if that situation was owing to any mismanagement at home, it ought to be inquired into; and that, on the foot of such an inquiry, he was ready to join issue with any gentleman in this House. On that foot, Sir, I am ready to join issue with him: to me there is nothing appears more certain, than that we are in a most lamentable and calamitous situation; and even from the lights I have already I am convinced, beyond all doubt, that our present situation is owing to the mismanagement of those at home: It may, I believe, be proved, to the satisfaction of every unbiassed person; but I must say, that if the honourable gentleman's opinion prevails in the present debate, he is taking a very effectual method to prevent its being in the power of any gentleman to bring proofs of what I have now asserted. While he is possessed of all or most of the materials necessary for such a proof, it is an easy matter first to deny gentlemen any access to them, and then to throw out a defiance; but this will not, I hope, be in his power; I hope this House will, in the present question, join with me in opinion, that it is absolutely necessary for us to have the Papers now called for, laid before us.—I would gladly know, how it is possible for the Parliament to give the Nation any relief in its present melancholy circumstances, if we deny access to those particulars from which only we can know what our present situation is. If the question should come before us, whether or no we ought to take any part in the present war? can we pass any judgment upon such a question, without first knowing how we stand engaged to the several powers abroad? and can we know any thing of this, without first examining the many Treaties and Negotiations which have been carried on of late years? If we are to take no part in the war, we must provide for the safety of the nation: How can we do this properly, and as it ought to be done? How can we judge of the estimates that are to be laid before us for that end, without knowing what danger the nation is in? And how can we know our danger, without knowing how we stand with respect to our foreign alliances and engagements? For these ends, Sir, we must have not only the Papers now moved for, but, in my opinion, a great many others will be necessary, in order to give us those lights which we ought certainly to have.—As I have said before, Sir, even as things now appear to me, all that has happened is the work of our own hands; the weakness of those whom many already look upon as our friends, and the strength of our enemies, is all of our own doing; gentlemen were told of it at the time when those transactions were carrying on, but they were too wise to listen to advice. When the whole chain and series of our management for several years past, comes to be impartially looked into, what I now say will be found to be true: certain causes will be found producing certain effects; these effects afterwards becoming causes, and producing other effects, till at last we have arrived at the miserable state we are now in; but these are matters, which I hope will soon come to be more fully opened, and clearly stated to this House.—The honourable gentleman said, "That Motions were often made with no other view, but to have Negatives put upon

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them;" if that be the case as to the present motion, the gentleman and his friends may easily disappoint us of the Negative we are supposed to expect; and I wish with all my heart, that the gentleman would give himself the pleasure of disappointing me and some other gentlemen, the obliging of whom did never, I am persuaded, yield him any great delight.

Mr. *Danvers* stood up next, and spoke as follows:

Sir;—I am entirely against your question; I think it is a most unreasonable proposition: and that it would be altogether as right and as dutiful in us to address his Majesty to bring his cabinet, with all the papers in it, and lay it upon the table, or upon the floor of this House, to be perused by the members. An honourable gentleman, who spoke last but one, talked of the language of the people of England, and seemed to insinuate, as if they abused and railed at the ministry. As to that, I have been, since last session, in several counties of England, and have conversed with people of different parties, and I never heard any man reproach the ministry; on the contrary, they seemed all to think, that the only dispute among us here was who should be minister; and as this is a dispute which the generality of the people of England are no way concerned in, gentlemen are much mistaken, if they imagine that the people of England trouble their heads about it.

The question was then put upon sir John Rushout's motion, and carried in the negative, by 195 to 104.

Debate in the Commons on Mr. Sandys' Motion for the Instructions given to the British Minister in Poland.] Jan. 25. Mr. *Sandys* moved, That the Instructions given to the British Minister in Poland, anno 1729, might be laid before the House: he introduced the said motion as follows:

Sir;—We have been told, not only upon the occasion of our Address, in answer to his Majesty's speech from the throne; but have likewise heard from gentlemen in a late debate, that the principal causes of the war now carrying on in Europe, proceeded from those obstructions which were thrown in their way, at the late election of a king of Poland: I shall therefore beg leave to move, That an humble Address be presented to his Majesty, that he would be graciously pleased to give direction, that the several Instructions to Mr. Woodward, his Majesty's minister in Poland, in the year 1729, be laid before the House.—It is very well known, Sir, that the late king of Poland was at that time in a bad state of health, so bad, that even his life was despaired of, and therefore we need not doubt, but that there were some measures then laid down for regulating, or at least influencing the election of a new king: as we had a minister there at that time, it is as little to be doubted, but that we were at least consulted, perhaps, by all parties concerned; we had a right to intermeddle, because there are, I believe, some treaties subsisting between us and the republic of Poland; and we were certainly interested in that great event, because of the extensive trade carried on by our subjects in that fruitful kingdom: It is true, the then king of Poland happened to live for a few years after; but it is probable, that the measures then agreed on, were much the same with those which have been since pursued; or at least, that the measures then concerted, very much influenced some of those measures which have been since carried into execution: for this reason, I should be glad to see, and I think it is absolutely necessary for this House to see the Instructions, at least, that were sent to our ministers at that time, before we can determine any thing as to the state in which we stand at present, with respect to the war now unhappily begun in Europe; and therefore I have taken the liberty to make you this motion, which I hope the House will agree to.—This motion being seconded by Mr. Chetwynd, a debate ensued, in which

Mr. *Henry Pelham* spoke to this effect:

Sir;—The motion now made by the worthy gentleman, can, in my opinion, bear but a very short debate. For my own part, I really think it a most improper motion, nor can I apprehend what the gentleman means by going so far back as the year 1729. I do not, indeed, remember any thing of the king of Poland's bad state of health at that time; but let that be as it will, it is certain that if he was then indisposed, he recovered of that indisposition, and lived a long time after in a state of perfect health; and even when he did die, I believe it will be granted, that but a few days before his death happened, he was in as good a state of health, and likely to live as most men of his age in Europe.—I wish, Sir, as has been wished in a former debate, that gentlemen would be so

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be almost certain as to the Author of it. [Here he gave a description of the person he supposed to be the author of it.] The whole of this fine performance results in this, That the nation is in a very bad situation; something must be done, but what is to be done the author does not know. If we do one thing, we are still in the same situation we were before, perhaps worse; if we do another thing, our case will still be the same: in short, he at last leaves us in the same wretched condition he found us; upon which, Sir, I must suppose this case: suppose a physician to have a patient for some time under his hands; the patient lingers and decays, and at last finds himself in so low and weak a condition, that he begins to despair; the physician is sent for; the patient complains and asks what is to be done; the doctor answers gravely, Sir, you are indeed in a very bad state: there are but two or three ways of treating your distemper, and I am afraid neither of them will do; a vomit may throw you into convulsions, and kill you at once; a purge may give you a diarrhæa, which would certainly carry you off in a short time; and to bleed you, Sir, I have already bled you so much, and so often, that you can bear it no longer. In such a situation, would not the patient probably exclaim against his doctor, and say, Sir, you have always pretended to be a regular physician, but I have found you an arrant quack; I had an excellent constitution when I first came into your hands, but you have quite destroyed it; and now I find I have no other chance for saving my life, but by calling for the help of some regular physician.—But, Sir, to be altogether serious, for the subject is really of a very serious nature; if gentlemen have a mind to do something for the safety of the nation in our present melancholy circumstances, and seriously to ask the advice and assistance of parliament, those things that are necessary for our information must not be denied: their being refused by a majority, which seems to be almost the only argument urged by gentlemen who oppose these motions, will not have any weight with the nation; gentlemen, it is true, must acquiesce in what is done by the majority, but it will not have all that force without doors, as some may imagine. I know, Sir, it is not allowable to say any thing against what is done by a majority of this House; but there are certain methods of speaking, which are not against order, and which might, notwithstanding, make gentlemen feel, that an answer could be given, even to that unanswerable argument, of its having been done by a majority.—I have known, in former parliaments, most scandalous things done by a corrupt majority; any thing's being done or resolved on by a majority, even of this House, will not make it right, nor convince the nation that it is so. We know what opinion the whole nation had of that wicked scheme, which was before us last session; we know what abhorrence they still have of it, and of many of those who voted for it; and yet that scheme, to use an honourable person's own words, was attended with a majority in every division; but this is foreign to the question, I only mention it to shew how unfairly that argument of a majority is urged by those of the other side.—In a late debate, Sir, gentlemen found fault with the question then moved, because of its being too general. They desired that we would be a little more particular, and lay our finger upon some paper or papers relating to some particular transaction, which might give us the information we desired, with respect to our present situation. The election of a king of Poland, and the measures that have been taken by certain powers, for influencing, or rather for directing that election, has been owned on all hands to have been what has given rise to the present troubles in Europe; and now when the particular Instructions, relating to that particular affair, which were sent to our minister at that court, only for one year, and that too several years ago, are moved for, still we are told by the same gentlemen, 'You are not particular enough, your demands are unreasonable; ask but what is reasonable, and we will give it you, provided the majority agree to it.' At this rate it is impossible for gentlemen who are entirely ignorant of our late foreign transactions, to ask for any thing; for it is not to be presumed, that any man can ask for any particular paper, from which this House could get a proper information, even as to any particular transaction, unless he knew very exactly the whole series of that transaction, and all the other transactions relating to it.—The honourable gentleman by me, has been pleased to declare his willingness to enter into the most strict enquiry; and for that purpose has promised a great deal of condescension, as to the laying before the House whatever Papers might be thought necessary for their information;

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but what has all this come to? Why, he and the majority have condescended to give us a Treaty, which has long ago been in print, and published in, I believe, most of the countries in Europe. I must say, Sir, that such treatment is intolerable; I do not know what name to give it; but I shall avoid giving names: I would not willingly fling the first stone; but if any stone be flung at me, I shall always be ready to fling it back again.

Mr. *Horatio Walpole* spoke next:

Sir; The honourable gentleman who spoke last, ended his speech with saying, that he would not willingly fling the first stone; but it seems he had then forgot what he had said but a very little before; by which, if he did not fling a stone, he at least, in my opinion, threw a very great pebble at the whole House: After having told us, that it was not allowable to say any thing against what was done by the majority of this House, he said, That there were, notwithstanding, some methods of speaking, which were not against order, and by which gentlemen might be made to feel, that an answer might be given to what the majority had thought unanswerable; then he talked of scandalous things having been done in former parliaments by a corrupt majority: now, Sir, I would be glad to know how this House can feel any thing that is said of former parliaments, unless it be meant, that the present parliament is of the same nature with the former parliaments talked of; this, Sir, as I have said, seems to be a very great pebble thrown at the whole House; besides the dirt he had before flung at the supposed Author of a pamphlet lately published, whom he took care to describe so particularly, that, I believe, every gentleman thinks the author, or at least the supposed author of that pamphlet, is now speaking to you; but I can freely declare, that I am not the author of it; I have, indeed, read it; and I believe the greatest quarrel that gentleman and his friends have with it, is, that they do not know how to answer it.—The honourable gentleman likewise mentioned the case of a patient and his physician; but I leave the world to judge, who most deserve the appellation of quacks, they who have the proper degrees, and practise in a regular manner; or that gentleman's friends, who have been for some years past dispersing their quack bills round the country, exclaiming against all those in the regular practice, and endeavouring to persuade people in good health that they are in a dangerous condition; and that if they do not immediately discharge all their regular physicians, and swallow their quack powders, they must inevitably perish.—But, Sir, to be serious, as the gentleman said, upon this subject, though I cannot think that the subject now before us is so serious as he would represent, if those gentlemen would fairly and openly enter into the consideration of the State of the Nation, I will defy that gentleman, or any other gentleman to shew, that those in the administration have acted any part, or entered into any measures, but what were, at the time they were transacted, the most consistent with the interest of Great Britain of any that could then be thought of, or entered into. Gentlemen may give to the present administration the name of a shifting administration; gentlemen may say that they have wheeled about from court to court; but upon inquiry, it will appear, that they have never shifted or wheeled, but when the interest of their country required it; and that if there has been any shifting or wheeling, it was always owing to a change of the measures at other courts: as long as any power in friendship or alliance with us, continued to act agreeably to the interest of Great Britain, so long we continued firm to them; but when any of them began to enter into measures which were directly opposite to our interest, we then likewise changed our measures, and had recourse to other powers, who, from that moment, became our more natural allies: this, Sir, has been the method always observed by those in the administration; but I know who they are who have shifted and wheeled with quite another view than that of the interest of Great Britain; when we were in friendship with France, they were cabalting with the ministers and agents of the Emperor; when the face of affairs changed and our friendship with the Emperor was restored, they then caballed with the ministers and agents of France; and thus they have been always in the greatest friendship with those who have been most at enmity with their native country.—In short, Sir, I find, that those gentlemen who call themselves Patriots, have laid this down as a fixed principle, that they must always oppose those measures which are resolved on by the King's ministers, and consequently must always endeavour to shew that those measures are wrong; and this,

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Sir, I take to be the only reason why they have been as yet so silent as to a certain subject, in which the interest of their country is very much concerned; their language at present is, as I suppose, 'Do not let us declare our opinion; let us wait till we know what part the ministry takes, and then let us endeavour to shew that they ought to have acted quite otherwise:' if I may be allowed to use a low simile, they treat the ministry in the same way as I am treated by some gentlemen of my acquaintance, with respect to my dress; If I am in plain cloaths, then they say, I am a slovenly, dirty fellow; and if by chance I have a suit of cloaths with some lace upon them, they cry, what, shall such an awkward fellow wear fine cloaths? so that no dress I can appear in can possibly please them. But to conclude, Sir, the case of the nation under the present administration has been the same with what it always has been, and always must be; for to use another simile, which my worthy friend over the way, whom I have in my eye, will understand: as long as the wind was fair, and proper for carrying us to our designed port, the word was 'Steady'——'Steady'; but when the wind began to shift and change, the word came then necessarily to be, 'Thus'——'Thus, and 'no nearer'!

Sir William Wyndham stood up next: hereupon the Speaker rose up, and said, that gentlemen had departed so much from the point in debate, that he would beg leave to read the question again. This done,

Sir *William Wyndham* proceeded as follows:

Sir;—I shall take care in what I have to offer, to confine myself as strictly to the question as possible, though I must say, that those gentlemen who have spoke against it, have made such long digressions and have traversed so many parts of Europe, that it is a difficult matter to say any thing in answer to what they have been pleased to advance, and at the same time to keep close to the question. As to the digressions which the gentlemen have run into, I shall not give the House much trouble about them; and as to arguments, the only two that I have heard made use of, or so much as hinted at, against the question, are, that the agreeing to the motion now made to us would be shewing a disrespect to his Majesty; and, that if it should be agreed to, it could be of no service, as to the giving us any information about our present circumstances.

It is said, Sir, that the agreeing to this motion would be shewing a disrespect to his Majesty, because it would be shewing a sort of suspicion, that his Majesty has had a share in those transactions which have given occasion to the present war; though he has, in his speech from the throne, declared, that he has had no share in them. The answer to this objection is plain; we all know, it has always been allowed in this House, that speeches from the throne are the speeches of the minister, and upon that supposition it has always been thought, that neither this House, nor any member of this House is guilty of any disrespect to his Majesty, in examining and canvassing with all possible freedom every sentence of the speech from the throne; even the facts there asserted may be denied, and if upon examination it should be found, that they are false, the minister ought and certainly would answer severely for it. This is the very case now before us: it is allowed on all hands, that the election of a king of Poland is the principal cause of the war now broke out in Europe; and to tell us, that his Majesty has said, that he has had no share in that transaction, and that therefore we must not inquire into it, is a direct begging of the question: the ministers are the only persons we can suppose to have said so, and there are other gentlemen who affirm, or, at least, suspect the contrary; this is a fact then that is controverted; this is the fact which the House is to inquire into; and when a motion is made for having those papers laid before us, which are necessary for giving us some lights into this affair, shall gentlemen be told, that such a motion is improper, because it is inconsistent with that respect which we have professed for his Majesty, in our address of thanks? If this House can be persuaded to accept of such an excuse, if a majority of this House can be prevailed on to join in such a method of proceeding, those gentlemen who can so prevail upon them, may throw out as many defiances as they please: they are the sole masters of all the proofs that are necessary for, or can be made use of upon any inquiry; and they are, it seems, resolved to continue so.

Whether this House, Sir, can have any proper information from the instructions now called for, as to the fact in dispute at present, is what I shall not take upon me to determine; nor can it be, in my opinion,

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determined by any gentleman in this House; but to me it seems very probable, that we may from these instructions receive some lights, which may enable us to determine how this nation stands engaged, with respect to the war now carrying on in Europe, since the principal reason of that war is allowed to be founded upon the late election of a king of Poland. Gentlemen may, if they please, pretend ignorance, but it is very certain, that the late king of Poland was in the year 1729 in a very bad condition, with respect to his health, and therefore it seems certain, that some measures must have been concerted, relating to the then future election of a king of Poland; whether we had any, and what share in those measures, is what this House now wants to inquire into, and to me it seems as evident as any demonstration whatever, that the seeing of those instructions is absolutely necessary for this end. It is true, the king of Poland did recover a little, and did live for a few years after, but he never was after that in a state of perfect health, and, consequently, it is most reasonable to believe, that the measures then concerted were the same with, or at least, did very much influence the measures actually pursued upon the demise of that king: if we had no share in the transactions at that time carried on in Poland, surely no secret can be discovered by the laying of those instructions before this House; and if we had any share in those transactions, it cannot be said, I think, that we have no manner of share in those transactions which have occasioned the present war in Europe.

What share we had in those transactions, till I see those Instructions, it is impossible for me to say; but from the lights I already have, it appears evident to me, that we have had a very large share in all the other negotiations, which have been lately carried on in Europe. Did not we procure the introduction of the first Spanish forces into Italy? Are not we Guarantees for all Don Carlos's rights and possessions in Italy? Are not we Guarantees for all the Emperor's rights and possessions in Italy? Are not we Guarantees even for the Pragmatick Sanction in its full extent? I believe we are under engagements to every one of the Northern powers; and I have heard, that we are under some engagements to the Court of France; so that let a war have broke out between any two powers in Europe, it will be difficult to shew, that we had no hand in the transactions which gave occasion to that War; upon the contrary, I believe it will appear, that each of them might have justly made demands upon us; and this, Sir, is our present unhappy situation: If this shews great wisdom, or regular practice, as the gentleman was pleased to call it, in those at the helm of our affairs, I leave to the world to judge: We have been running all over Europe, and entering into engagements with every prince and state in Europe, and all this without any national benefit in view, but generally to the great detriment of our domestic affairs, and often to the great interruption of our trade in all parts of the world; and how probable it may be, that the same wisdom, which has brought us into this situation, will be able to extricate us out of it, is a question which may be easily resolved.

We were told, Sir, the first day of the session, that we were to concert measures, and to act in conjunction with powers who are under the same engagements with us, and have not taken part in the present war, more particularly the States General: But I would gladly know, if we have hitherto taken any one step in conjunction with them? Is it not well known that in most cases we have lately made the first step by ourselves, and then have, with great difficulty and expence, prevailed on them to follow us, which they never did, but upon their own terms, and under very great restrictions and reservations: They have now indeed done something for their own security, but what they have done was, I believe, done without any thing of our participation; they did not so much, I believe, as consult with us upon that head, which really looks as if they had some distrust of our power, or as if they thought they could not put any confidence in the counsels of this nation; and if our most natural allies should once begin to harbour such an opinion of us, we may then conclude, that there is no dependence to be had upon their friendship or alliance.

In short, Sir, if his Majesty expects our advice upon the present state of the affairs of Europe; if his Majesty expects the assistance of parliament in the present exigency of affairs, we must be informed how our affairs stand, before we can in a proper parliamentary way give either our advice or assistance: It was with this view, and with this view only, that some Papers have been already called for, which have indeed been refused by a ma-

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jority; it is with this view only, that the Papers mentioned in the motion now before us are asked for, and if they likewise be refused by a majority, we may, perhaps, give his Majesty such assistance as his ministers shall please to ask; but I am sure we can give no advice, nor can we give a reason for what we do.

Sir *Robert Walpole* spoke next:

Sir; I will agree with the honourable gentleman who spoke last, that the present posture of affairs does require, and his Majesty expects the assistance of Parliament; but I will say, that the present motion, and some such lately made, had the House agreed to them, would have tended to increase the present troubles and confusions abroad, rather than to have given any real assistance either to ourselves or others. I believe, Sir, there is not a Court in Europe, whether engaged in the present war, or otherwise, but expected to have known by the 17th of this month, what part Great Britain was to have taken in the present War; as yet it remains unresolved, or at least, a secret, and it is the interest of Great Britain it should continue so; but some gentlemen seem inclined not only to precipitate their country into a resolution, but to publish that resolution, as soon as taken, to the whole world; and which side deserves most the thanks of their country, those who are for our coming to no resolution till we have fully examined the circumstances of affairs, and even then concealing our resolutions till we are just ready to carry them into execution; or those who are for our coming to a hasty resolution, and immediately publishing it to the world that our enemies may have time to provide against it, I leave to the world to judge.

Whatever other gentlemen may think, it is my opinion, that our situation is much better than can well be expected; and whenever that matter shall come to be examined into, I believe it will appear, that our present situation is the very best the nation could possibly be in, with relation to the present posture of affairs in Europe. The gentleman who spoke last, was pleased to mention the states of Holland, and that they had done something for their own security; 'tis true, they have done something, they have entered into a treaty of neutrality; whereas we have remained entirely in a state of inaction; but upon this very account, I think, we are in a much better condition than they are, for by that neutrality they have engaged not to act at all, nor to concern themselves in the present war; we are still at liberty, and may, upon any event, take that part which shall then appear to be most for the interest of Great Britain: In this then our case is better than theirs, because they are engaged by an express stipulation not to concern themselves in the present war, whereas we are under no engagement, but that natural obligation which lies upon every country not to concern themselves in any war, unless they find it for their interest so to do.

I do not believe, Sir, that the States General, or any other foreign power has less trust in the strength, or less confidence in the counsels of this nation than they formerly had; but if it were so, I should not wonder at it, when every post tells them, that we are a divided nation, and that there is no dependence to be had upon our present counsels, because great alterations are soon to happen, which must necessarily produce a thorough change in all our public measures; and upon this consideration I leave it to every impartial man to judge, if we are in any unhappy situation, who have contributed most to it, those who have honestly and faithfully served the crown, or those who have made it their business for some years, to do all that was in their power to distress every measure of his Majesty's government; and that too in conjunction with a person who I believe will never be trusted by any court in Europe.

His Majesty, in his Speech from the throne, has told us, that he is not any way engaged in the present war, and that he will take time to examine the facts alledged on both sides, before he comes to any determination; when he has done so, it is not to be doubted, but that he will lay all the informations he can get before his parliament, and will take the advice of parliament, what part the nation ought to take in the then conjuncture; why then should we endeavour to anticipate his Majesty's wise designs? Why should we run headlong and plunge the nation into a war, by joining either one side or other, before his Majesty has had any time to examine into the posture of affairs abroad? This seems, indeed, to be the view of some gentlemen; but surely such a rash proceeding would rather increase than diminish the unhappiness of our present situation; and is very far from that coolness and temper which ought to be shewn,

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when the very safety of our country depends upon the prudence and unanimity of our resolutions.

An honourable gentleman, Sir, who spoke some time ago, took indeed a great deal of liberty in talking of majorities of parliament; but I would have gentlemen to know, that when they talk of such majorities at present, they speak of their equals as members of this House, of their equals on any ground in England; let gentlemen but cast their eyes round the House, and they will find a number of gentlemen superior to the highest number of their minority, who can as little be suspected of corruption, as any of those who generally appear upon the minority side of the question.

It is, Sir, an easy matter for gentlemen to represent the measures, lately taken by the government, as unwise, inconsistent, and the like, or to give them what other epithets they have a mind, but when the day comes for inquiring into them, which I as heartily wish for as any gentleman in this House, I believe those measures will appear in a quite different light; and those gentlemen, who may perhaps have hearkened to every little whisper of some of the foreign ministers at this court, which is, I believe, the only foundation they have for what they have asserted, will find themselves at last disappointed. Whenever such an inquiry shall be resolved on, I make no doubt, but that the majority of this House will agree to call for every paper, that can be thought necessary for giving the House a full information of the present state of the nation: But this is not the question at present, nor are we now to inquire whether his Majesty has had a share in those transactions, which have given occasion to the present war in Europe; and therefore I cannot think we have, at present, any thing to do with any instructions given to his Majesty's ministers in Poland or elsewhere.

His Majesty, 'tis true, Sir, expects the assistance of his parliament, but for what? He does not immediately expect such an assistance as to enable him to take any part in the present war; he wants only such an assistance as may enable him to put the nation in a proper posture of defence; and surely we may determine what assistance will be necessary for that end, without inquiring into any of our foreign negotiations. It is for this reason, Sir, that I think the House has done right, in rejecting all the motions hitherto made for letters and instructions relating to our foreign affairs, and, for the same reason I make no doubt, but that they will likewise reject the present motion.*

The question being then put upon Mr. Sandys's motion, it was carried in the negative by 202 against 114.†

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* "The nation at that time was pestered with papers and pamphlets, which held forth, that every member, who voted on the side of the minister, was a hireling, and voted for the sake of money or interest. Lists had been published of those who voted for and against the Excise Scheme, with the places, which the former held under the government, annexed to their several names. This had operated wonderfully upon the minds of the people, who were taught to believe, that every member, who had not a visible place, and voted for the government, had a private pension, or some other gratification. Sir Robert Walpole thought, that then was the time for confuting a charge so injurious to himself, as well as destructive of the constitution: and he did it in a noble manner, which will do honour to the works of the best orators of Greece or Rome." Tindal.

† "The great business of the opposition now, both in their discourses and writings, was to represent the pacific conduct of the minister in the war begun against the emperor by France, Spain, and Sardinia, as the effect of pusillanimity, or of somewhat still worse, a secret correspondence, and prior engagements with France. Though the death of the king of Poland was sudden and unforeseen, though the Poles were almost unanimous in electing Stanislaus for their king, and though nothing could be more natural than to think that his son-in-law, the French king, would support that election; yet the English minister was publicly accused of having, in the year 1729, entered into engagements with France to promote the election of Stanislaus upon the demise of king Augustus. As nothing could be more unpopular in England than such a charge, it might have hurt the minister, had not his enemies carried it to a ridiculous excess, by supposing that his favouring the election of Stanislaus, was the cause of England being averse to assist the emperor against his powerful enemies, who were every day stripping him of his dominions, and was the consequence of the engagements had been formed with France. As to the charge itself, it was unsupported by even the shadow of evidence at the time of the death of king Augustus, and some time before. But as that king, in the year 1729, had a fit of illness, and as Mr. Woodward was then the British minister at his court, the opposition believed, or pretended to believe, that orders had been sent him from England to favour the election of Stanislaus, if king Augustus should then die.

"In consequence of this motion, Mr. San-

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Debate on a Motion for an Address to know, how far the King was engaged, by his Good Offices, in the Causes of the War against the Emperor.] Then Mr. Edmund Waller, member for Great Marlow, rose up and moved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to communicate to the House how far he had been engaged, by his Good Offices, in those transactions, which had been declared to be the principal causes and motives of the War, which was then begun and carried on against the Emperor, with so much vigour, by the united powers of France, Spain, and Sardinia." This motion was seconded, but, being opposed by the courtiers, it was carried in the negative, without a division.

Debate on Mr. Sandys's Motion for an Account of what Application had been made to his Majesty, by the Parties engaged in the War.] Then Mr. *Sandys* stood up again, and said, That though the motion he had just before made had been rejected, yet, as he never proposed any thing in that House, but what he thought just and reasonable, he was not therefore apt to be discouraged; and for that reason he would beg leave to make another motion, which he hoped would meet with better success, which was, "That an humble Address be presented to his Majesty, that he would be graciously pleased to communicate to the House, what Application had been made to him by the several parties then engaged in the war, founded upon Treaties or other Engagements." This motion being seconded by sir John Rushout, the same was opposed by

Mr. *Henry Pelham*, who spoke as follows:

Sir;—It is very true, that the honourable gentleman, who made you this motion, is not very apt to be discouraged, but however he may flatter himself with success in his present motion, it is, in my opinion, so much of a kin to his former motion, which the House has already rejected, that I can see no reason he has to expect, that the present should have a different fate. His Majesty has already told us, that he was no way engaged in the present war, nor had had any share in those transactions which gave rise to it; and therefore it is not to be presumed, that any power engaged has made any application to him founded upon treaties or other engagements. Some of them might perhaps have made an application to his Majesty for his assistance; but even such application was not to be presumed, because, had any such application been made, it was not to be doubted, but that his Majesty, in his speech from the throne, would have taken some notice of it. As this question, Sir, is of

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dys, on the 25th of January, moved the House of Commons, that an humble address be presented to his Majesty to give direction, that the several instructions to Mr. Woodward, his Majesty's minister in Poland in the year 1729, be laid before the House.

"This motion was backed with the reasoning we have already exposed; and the ablest members of the opposition, conscious how weakly it was founded, instead of supporting it upon parliamentary principles, brought their own private surmises as arguments for it; and finding the motion no longer defensible against the reasoning of the minister and his friends, they endeavoured to turn them into ridicule. But even in this method they were worsted by Mr. Horatio Walpole, whom they had always affected to represent in a very mean light, both in his person and parts.

"As to his person and air, which, at the time now described, were so indecently treated, they were such as are daily seen in a plain, honest, country English gentleman; and both of them preferable to those of many of his antagonists, who affected to speak of them with the greatest freedom. He did not affect to be eloquent, but he was a sensible, shrewd, speaker: and though he was not what is properly termed witty, yet he had more ready humour than any man in the House. His understanding was more solid than specious; and the blundering of which his enemies accused him, was no other than a vague, cant term, since they never could prove he committed an error either in his public or private management, unless his punctually fulfilling the will of his sovereign and superiors is to be deemed such. But to put his abilities in a public capacity out of all manner of doubt, nothing is more certain than that after his brother resigned his places, and when Mr. Walpole attended his duty in the House only as a private gentleman, which he did during the last fifteen years of his life, no man in parliament was better heard, or carried more weight with him when he spoke, which he pretty frequently did; because, at that time, he had more experience in business than any member in the House, and more knowledge of American affairs than any man in England.

"The personalities which passed in the debate last mentioned, were such as can have no place in a national history; and they were carried on both sides so far, that the speaker was obliged to inform the gentlemen, that they had lost sight of the question, which he again read." Tindal.

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the same nature with the former question moved by that gentleman, and founded upon the same jealousy of his Majesty's conduct, it is impossible for me to have any thing new to urge against it; but I believe it is as impossible for any gentleman in this House to say any thing new in favour of it; and therefore I shall give the House no farther trouble, only to declare, that I shall give my negative to it, as well as I did to the former.

Mr. *Pulteney* spoke in favour of the motion:

Sir;—In whatever light the honourable gentleman, who spoke last, may take the present motion, I think it must bear a very different consideration from the motion formerly made by my worthy friend. I believe it will not be denied, but that we are under some engagements to every one, or, at least, to most of the powers concerned in the present war; and whatever we may at present pretend to think of those engagements, it is very probable, that those to whom we are engaged think otherwise: it is not to be doubted, but that some of them think that we are, by the engagements we have entered into, obliged to assist them, upon the present emergency; and it is pretty well known, that they have made application for an immediate performance of those engagements. I have heard, that ten thousand land-forces, or some such number, has been actually demanded by one of the powers engaged in the war; I will not, indeed, affirm the truth of it, though I have something more than the whisper of a foreign minister to confirm what I say.—It is well known, Sir, that in most of the engagements we have entered into with foreign powers, it is left to the choice of the power we are engaged with, to demand a quota in a squadron of ships, a certain sum of money, or a certain number of troops; and as we are to go into a Committee upon the supply on Monday next, there is nothing more reasonable, than that the House should be informed of what demands have been made upon us, and whether those demands have been for ships, money, or men, before we go into that Committee; for, without such information, it will be impossible for us to know how to come to such resolutions, as may be most for the safety and honour of the nation. The motion is therefore so far from being unreasonable, that it is necessary it should be complied with; and if it is not, I cannot really see how we can properly go into the Committee upon the supply on Monday next.

Sir *William Yonge* replied:

Sir;—I can see no reason, why the House may not be fully prepared for going into the Committee of Supply on Monday next, though this motion should be rejected as the others have been; and therefore I do not think it necessary to enter into the debate at present, whether the motion be reasonable or no; there may be another time for that question, for which reason I shall now only move for the previous question.

Mr. *Pulteney* stood up again, and said:

Sir;—I find the gentleman, who spoke last, has avoided entering upon the merits of the question, and, by a sort of parliamentary trick, by moving for the previous question, he intends, it seems, to put off the question for this day, at least; this, in my opinion, is treating the question with much greater indecency than if it were to be fairly argued, and afterwards rejected; for if the question be delayed until after Monday next, it will then be too late to enter upon the consideration of it; it will really be in effect, first to resolve, and then to enter into the consideration of what ought to be resolved; and therefore I must desire, that the question may be fairly debated, that gentlemen would, at least, give us a reason for what they are to do, and then let the motion stand or fall upon its own merits.

Sir *William Yonge* answered as follows:

Sir;—I did not intend any trick when I moved for the previous question; it is what has been always practised in this House, when any question has been moved, which gentlemen have a mind to favour so much as not to put a negative upon it: but even as to the merits of the question, it cannot, certainly, have any relation to any resolutions we can possibly come to on Monday next in the Committee of Supply; for all the resolutions we come to in that Committee, are founded upon estimates given in, or demands made by the crown; and if any demand were to be made upon this House, to enable his Majesty to send a quota either of ships of war, money, or troops, to any power in Europe, such demand would certainly be laid before this House by his Majesty's orders, without putting us to the trouble of presenting any such address as is now moved for; there is

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therefore no necessity for entering this day upon the merits of this question; the gentleman may renew his motion when he thinks proper, and then I do not doubt but other gentlemen will debate the reasonableness of it; and as it appears to the House, it will certainly be agreed to or rejected; but as I do not think this a proper time for debating it, I must insist upon my motion.

Mr. *Walter Plumer* said:

Sir; As we shall probably come on Monday next to some resolutions with respect to our seamen, I should think it necessary for this House to know what demands have been made upon us by our allies, before we come to any resolution on that head; otherwise we may leave room for those extraordinary messages and demands towards the end of the session, which this nation has of late been too much accustomed to. The gentleman who moved the previous question, says, That this is not a proper time for entering upon the merits of the motion now made to us, because if, any such application had been made by any of our allies, and his Majesty had resolved to grant what was asked, he would have ordered this to be laid before us, together with the estimates and demands of the current service of the ensuing year. Is not this directly to tell us, that after his Majesty has come to a determination what part to act, he will be graciously pleased to take the advice of parliament. It is true, his Majesty has by his prerogative the power of making peace or war: but in a matter of so great consequence, it has always appeared to be the interest, nay I may say, it has always been thought to be the duty of the kings of England, to take the advice of their people in parliament assembled, and not to trust entirely to the advice of their ministers; and if any such demand, as is mentioned in the motion now before us, has been made by any of his Majesty's allies, I cannot think that it would be any way derogatory to the prerogative of the crown, or to the wisdom of the ministers, to lay it before the parliament, whether it ought to be complyed with or not.

Mr. *Cockburn*, knight of the shire for Haddington, spoke next.

Sir; I was against the first motion, because some gentlemen had assured the House, and I was myself a little afraid, that at present it might tend to increase the confusions and troubles that are now in Europe; but the present motion I take to be of a very different nature; I am sure that, should it be complied with, no secrets can thereby be discovered, nor can it possibly tend to increase the present troubles of Europe.—I am old enough to remember the beginning of the first great war against France, and I remember, that as soon as the Dutch applied to us for our assistance, king William immediately laid the case before the parliament, and took their advice, as to what was proper to be done upon that emergency, before he came to any resolution: upon the breaking out of the second war, the late Queen did the same; and I must say, that I think every King of this nation ought to follow that example; if they expect the assistance of parliament, they ought to take the advice of parliament; and our histories will inform us, that where they have done so, they have generally done well, and where they have done otherwise, they have had but little success; for which reason I am for agreeing with the motion now made to us.

The previous question being then put upon Mr. Sandys's motion, it was carried in the negative, by a majority of 195 against 102.*

Sir J. Barnard presents a Petition from the Dealers in Tea, for relief against the Excise Laws.] February 4. A Petition of the druggists, and others dealing in Tea, was presented to the House, and read; alledging, That by an act passed in the 10th year of king George I. the petitioners were induced to hope, that the duty arising from Tea would be better secured to his Majesty, and the interest of the fair trader be better supported, but have fatally experienced the contrary effects; the clandestine importation of Tea being greatly increased, to the damage of the public revenue, and ruin of the fair trader, occasioned by the great difference of the value of that commodity at this and foreign markets, whereby the smugglers are enabled to purchase it abroad for less than half the duty paid here: that the regulations which the petitioners are laid under,

* The Magazines, the Historical Register, and other collections, of this period, for want of information, are often erroneous in parliamentary affairs: for instance, they say there was no division upon this question, though the Journals of the House of Commons expressly say there was.

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are most burthensome and grievous, their houses being liable to be entered by persons unknown to them, and their properties subjected to the judicial determination of commissioners: that the petitioners are liable to severe penalties for errors and omissions absolutely unavoidable, and restrained from disposing of their goods, after having paid duty for the same, without permits from the officer of the inland duties, expressing the names and places of abode of the respective buyers and sellers, exposing thereby the extent and circumstances of their trade; whereby the petitioners conceived they were in a worse condition than any other of his Majesty's subjects, and therefore praying the House to take the premisses into consideration, and give them such relief as to the House should seem meet. This Petition was presented by

Sir *John Barnard*, who spoke in favour of the same as follows:

Mr. Speaker; As this Petition is the same with that presented to this House last session, I need not take up much of your time in opening it to the House. The petitioners apprehend they labour under very great grievances, by their being subject to the laws of excise; and as this House, in the very last session of parliament, thought it unreasonable to subject some other sorts of traders and dealers to those oppressive laws, the petitioners think they have reason from thence to conclude that this House will be ready to relieve them from those burdens.—The chief objection made to the petition last year was, that it was signed only by a few, and those not the most considerable dealers in that commodity, but now this objection is intirely removed: for I am sure there is not a considerable dealer within the city of London, who has not signed this petition. The great frauds committed in the running of tea, which are daily increasing, are now become a very great and a general grievance, not only with respect to the public, but to the fair trader: It is impossible for a man, who honestly pays the heavy duties upon the commodity he deals in, to sell so cheap as the smuggler may do, therefore, if some stop is not speedily put to that infamous practice, we may expect in a few years the whole trade of the kingdom, so far as relates to our home consumption, will be got into the hands of smugglers only, and the retailers who buy from them. It was expected that the alteration made some years ago in the method of collecting those duties, would have prevented this infamous practice: When that project was first set on foot, I remember, some people assured us, it would entirely put an end to smuggling; but experience has taught us the contrary; for since that alteration it has been much more general than before; so that we have subjected a great number of our fellow-subjects to infinite hardships, without gaining thereby any benefit to the public.—As this practice of smuggling, which has of late so much increased, must be likewise a considerable detriment to the public revenue, the petitioners hope we shall take the affair again under our consideration, and endeavour to contrive some methods for preventing this infamous practice for the future; If then the relief of a great number of our fellow-subjects from grievances they justly complain of, if the encouragement of the fair trader, if the increasing of the public revenue, are considerations which ought to weigh with a British parliament, I am sure the case now before us, in which all three are joined, deserves the utmost regard of this House; therefore I cannot doubt of the petition's being referred to a Committee. And when we go into that Committee, several gentlemen will offer their opinions and propose expedients for the relief of the petitioners, as well as for the advantage of the revenue: But as these things cannot properly come now under our consideration, I shall not give the House any farther trouble at present, but only to move, That the Petition may be referred to the consideration of a Committee of the whole House.

The above motion being seconded by Mr. Perry,

Mr. *Winnington* stood up and spoke as follows:

Sir; I can by no means agree with the two honourable gentlemen in the motion they have made. The relieving any of our fellow-subjects from grievances they justly complain of, the encouraging of the fair trader, and the increasing the public revenue, are matters indeed of a very great concern, and always deserve the utmost attention of this House, when they are regularly and properly brought before us; but I cannot think that this petition can properly bring either of them before us, nor can I think it is now a proper time to go into a Committee upon this or any other such petition. There is nothing that

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can be proposed in consequence of this Petition, but what may diminish the public revenue, and as we are in a manner now just upon the brink of a war, I think it would be very unwise in us to do any thing that may possibly diminish that revenue, for which we may soon have so great an occasion.—As to the infamous practice of smuggling, and the frauds committed in that branch of the public revenue, which the Petition relates to, I believe, every gentleman would willingly do something to prevent it, if possible; but the method, proposed by this petition, appears really to me in a very strange light; It has been found, they say, that the laws of excise, joined with the laws of the customs, have not been effectual for preventing all those frauds; and therefore gentlemen propose, that we should take off one of these checks; and indeed, that which must be acknowledged to be the most effectual of the two, in order to prevent running for the future. I need not say any thing to convince gentlemen, that this proposition cannot be supposed to tend to the encouragement of the fair trader, or to increase the public revenue: As to the petitioners, if they are all fair traders, they must acknowledge, it would be so far from giving them relief that it would intirely ruin them.—I should be glad to hear any thing proposed for the benefit of the fair trader, or security of the public revenue: But for us to go into a committee upon that subject, when no gentleman of this House can say that there is any particular method or scheme to be proposed, would be taking up the time of the House to no purpose. Besides, if there were really any schemes to be proposed to us for putting an end to frauds and smuggling, it is not now a proper time for us to enter into the consideration of them; for as it is now the last session of a parliament, and considering the present posture of affairs of Europe, it must be presumed that the short time we have to sit will be taken up in matters of very great weight, and which require a more immediate consideration, there cannot be any great inconvenience in putting off this affair to another session: and therefore I must be against the motion now made, and shall move, That the Petition may be ordered to lie upon the table.

Mr. *Perry* replied:

Sir; When this motion was made by my honourable and worthy friend, I did not apprehend it would have met with any opposition; therefore I gave the House no other trouble than just to second the motion: But now I hope I shall be indulged a few words in support of it. It has always been my opinion, that while we sit here, no time can be improper for our taking into our consideration a petition signed by such a number of considerable traders: The hearing of complaints from the subjects, and the redressing of their grievances, I have always understood to be a chief part of the business of parliament; and I am sorry to hear it said in this House, that any time is improper for such a consideration, especially when it is not so much as pretended, that the complaints are frivolous, or that the petitioners are inconsiderable.—The honourable gentleman spoke of our being on the brink of a war, and therefore thought it unwise for us to attempt to do any thing that might lessen the public revenue: I believe no gentleman in this House means to lessen the public revenue; the very end of the motion now made is to endeavour something that may increase the public revenue, by preventing those frauds by which it is greatly diminished. The gentleman allows, that the laws of excise and customs, when joined together, are ineffectual for preventing the running of tea; but thinks it strange, that the taking off one of those checks should be proposed as a method for the preventing of running for the future, and it would be so if this were the only method; but there may be some method proposed, if we go into a committee upon this affair, which will render the laws of the customs singly more effectual against smuggling than both the laws of excise and customs have been: In such case it will not appear strange to give a relief to many of our distressed countrymen, by freeing them from the oppressive laws of excise.

If gentlemen will examine this affair a little, they will find, that by adding the laws of excise to the laws of the customs, they have neither given a check to smuggling, nor increased the public revenue, in proportion as the consumption of that commodity has increased of late years within this kingdom. In 1716, the duty upon Coffee and Tea amounted to but sixty odd thousand pounds: From 1716 to 1724 that duty continued subject only to the laws of the customs, and yet so greatly did our consumption increase within that time, that in the year 1723 the duty amounted to 112,000*l.* near double

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the sum in that seven years which preceded the alteration. This can be attributed only to the increase of the consumption, for it cannot be said, that the Custom-House Officers were more exact and diligent, or the Smugglers less skilled in the arts of deceit in that year, than they had been in any of the former.

In 1724, the famous alteration now complained of was made: We cannot suppose the consumption has since decreased; on the contrary, as Tea has been sold cheaper than ever it was before, we must suppose that the consumption has greatly increased; and as by this alteration the unfair traders were entirely put out of all their old arts of smuggling, or at least of disposing of their run goods, we must suppose the duty increased, and accordingly it did so till the year 1729; when it amounted to about 162,000*l.* But by that time the smugglers began to learn new arts of deceit, and to contrive new ways of defrauding the Public; so that since the year 1729, the duty has been decreasing, and is now reduced to less than 120,000*l.* per annum. From hence it must appear, that the public has not gained much by the alteration of the method of collection, which lies so heavy on all the dealers in that commodity.—It is certain, that this decrease in the public revenue since the year 1729, cannot be owing to any decrease in the consumption of that commodity; for it is of late years sold so cheap, that the very meanest of the people make use of it. A poor woman of my neighbourhood, for whom I had some time before procured twelve-pence per week charity, acknowledged to me, that she had tea every morning for her breakfast, and said that, except water, it was the cheapest drink she could get; and therefore, as the consumption must be much larger, and the produce of the duty very little superior now to what it was in the year 1723, we must conclude, the alteration now complained of has rather increased than diminished smuggling.—The honourable gentleman should not have said it was proposed to lessen the public revenue, or to take off any of those checks which have been laid upon Smuggling; there has not been any thing proposed, nor is it proper there should, until we go into the committee moved for, which I have reason to believe the House will agree to, because I have not yet heard any one argument offered against it, but only of its not being now a proper time. This indeed has been almost the only argument made use of against most things that have been proposed this session, and I really believe we are to hear no other from that quarter; but I must think, that it is a very unfair way of treating any proposition; and however such argument may prevail in this House, I am sure they will give but very little satisfaction without doors.

Sir *William Yonge* said:

Sir; Notwithstanding what the honourable gentleman who made the motion, and the honourable gentleman who spoke last have urged in support of their motion, I must agree with my honourable friend on the floor, that the present is not at all a proper time, nor indeed are we any way prepared for going into a committee upon the petition before us. I am surprized to hear it pretended that no argument has been offered against the motion, but that of its not being a proper time; have not gentlemen been told, is it not well known, that this is the last session of a parliament, which must always be pretty much hurried? And therefore it is not proper to bring before us an affair of such a complicated nature, and which will require so much time to search thoroughly to the bottom of the wound, before we can so much as pretend to apply, or even to find out a proper remedy.—Does not every man know, that the present posture of affairs in Europe may probably bring matters of much greater importance before us, matters of the highest consequence to the whole nation? Shall we then take up the short time we have to sit, in the examination of affairs relating to one small branch of the revenue, the delaying of which until another session, can be of no signal disadvantage to the nation in general, or even to any private man? We ought to be the more cautious of entering into the examination of this petition, because it may bring before us a great many such. Several sorts of other commodities are subject to the laws of excise; if we once enter upon giving relief to the petitioners, we may expect petitions from the dealers in all those other commodities.—The gentleman who spoke last, has I find been at the pains to consider the amount of the Duty upon Tea, for seven years before and seven years after the alteration in the method of collecting it; and I agree with him, that in this last year the produce amounted to no more than 120,000*l.* But

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I must take notice, that his method of comparing the one with the other is neither fair nor just. He has, out of the time before that alteration was made, picked out the year, when the produce of that duty amounted to the highest sum that it ever did before the alteration was made; and out of that time since the alteration was made, he has picked out that year, when the produce of that duty was the lowest that it has been in any year since. —I appeal to every gentleman that hears me, if the fair way of stating this matter is not, to compute the amount of the duty for seven years before, in order to fix a medium for that seven years; and next to compute the amount for seven years after, in order to fix a medium for that time, and then to compare the mediums together. According to this method it will be found, that the public revenue has been increased above 34,000*l.* per annum. Besides this, the gentleman forgot to mention seizures, which in this case ought to be taken notice of, and added to the yearly increase; by them it will be found there is an addition of 20,000*l.* a year more made to the public revenue, which in the whole amounts to 54,000*l.* a year; an increase, which I believe no gentleman in this House will think inconsiderable; nor ought we to go rashly into the changing of that method, by which this increase has been made, especially when we are at least in danger of being upon the brink of a war, as has been hinted by my honourable friend.—I allow the practice of running tea is a loss to the public, and an injury to the fair trader, and is come to a very great height of late; but the manner of carrying it on is very different from what it was. The smugglers now travel 30 or 40 together, well armed and provided for a desperate defence; they carry their goods from house to house, and actually murder the King's officers: this dangerous method they have been reduced to by the laws of excise, and will any gentleman desire to have that check removed, which has laid them under so great difficulties? —Gentlemen say arguments are not offered against what they propose, or at least only such as are general; but, I think it has always been the custom, when any thing new is offered, those who are for it give their reasons, and if those reasons cannnot be sufficiently answered, the House then agrees with the motion. Now I wish those gentlemen would give us some particular arguments in support of what they propose, agree upon some particular facts, and then the gentlemen, who seem to be of a contrary opinion, would be able to debate the question fairly with them; but since they have not been able to agree on many facts, or to give us any particular reasons for referring this petition to a committee, I must conclude that even they themselves are not prepared for taking it into consideration; therefore I hope it will be ordered to lie on the table.

Mr. *Sandys* replied:

Sir; The honourable gentleman, who spoke last, desired we might agree on particular facts, and argue from those facts. This would be a proper and a reasonable demand, if we were now in a committee upon the petition; but as the only question before us is, whether or no we shall go into a committee, I cannot think, that is either proper or reasonable. It is acknowledged, that the practice of smuggling is come to a very great height, and I believe it will not be denied, but that all those who are subject to the laws of excise are under a great many inconveniences, which their fellow subjects not liable to such laws are free from: This alone ought to be a sufficient inducement for us to go into a Committee; for in most cases petitioners, who complain of grievances, are to prove the facts they alledge before the committee; and petitioners are generally referred to committees upon suggestions only of grievances, which ought to be redressed; but the case now before us is much stronger, the facts alledged by the petitioners are allowed to be true, and the grievances complained of such as ought to be redressed; yet some gentlemen are against so much as taking their petition into consideration. If this be treating our fellow-subjects as they ought to be, I leave to the whole world to judge; but, upon the presenting a petition, and upon a debate whether that petition ought to be referred to a Committee, to desire gentlemen to agree upon particular facts, especially when the facts must all be such as cannot be known to any but those in the management of the public revenue, is really unreasonable; it is desiring gentlemen to agree upon facts which it is impossible for them to know, until they can in a proper way have an opportunity to inquire into them. If the House should agree to go into a committee upon this petition, I do not doubt but such papers will be called for,

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as will make it appear by undeniable matters of fact, that not only the petitioners ought to be relieved, but that something must be done for putting an end to the infamous practice of Smuggling: so that our not being able at present to fix upon any particular facts, is so far from being a reason against, that it is a strong reason for our referring this petition to the consideration of a Committee. The petitioners have very just grounds to hope this House will take off from them those shackles, we most justly refused to put upon the dealers in wine and tobacco: they have as good a title to all the liberties and privileges of Englishmen as any other subjects, and I can see no reason for distinguishing them from the rest of their countrymen. In the present case gentlemen need not be afraid of making a precedent, and laying a foundation for a great many petitions; there are no dealers in England followed by the laws of excise as the dealers in tea are, except only the dealers in brandy; therefore, the giving ear to the heavy and just complaints of the petitioners, can lay no foundation for a multitude of petitions being brought in upon us from the dealers in other commodities; for though there are other commodities subject to the laws of excise, yet those go no farther than the first manufacturer; they do not follow the commodity into the little shops and cellars of every petty retailer. Gentlemen tell us, that we are to have matters of much greater weight before us, which require a more immediate consideration, and which will take up the whole of that short time we have to be together. I know nothing of greater weight than that of effectually securing the public revenue, encouraging the fair trader and relieving our fellow-subjects from the grievances they labour under; and I wish the gentlemen would inform the House, what it is they think a matter of much greater weight. I am sure, if we are upon the brink of a war, it renders it much the more necessary for us to take the petition into our consideration: as the war can be supported only by the public revenue, if we are in such danger, it is the more incumbent upon us to take all possible methods to secure and increase that revenue; and as in time of war the fair trader labours under many discouragements abroad, it will become the more necessary to take care that he shall labour under as few as possible at home; and if we are threatened with a war, it is the business of this House, and of every man who wishes well to the present establishment, to be more diligent than usual in conciliating the minds of the people to his Majesty's government, which can only be done by removing their grievances as soon as we hear them: thus, every argument that has been offered against going into a Committee, when duly considered, appears to be a strong argument in favour of the motion; therefore, unless some more weighty arguments be offered, I am persuaded the House will not reject it.

Mr. *Philip Gibbon* spoke next:

Sir; I stand up to agree with my worthy friend, in the motion he made for referring this petition to a Committee of the whole House; and as I have not yet heard any one argument against it, I shall not take up much of your time. I have indeed heard gentlemen argue against what they imagine may be proposed when we go into it, which to me seems a very preposterous way of arguing; they first form to themselves hideous notions of what is to be proposed in that Committee, and from thence they resolve to be against going into any such Committee. I would be as unwilling, as any gentleman in this House, to do any thing at the present juncture for lessening the public revenue, and I am far from believing any such thing is intended to be proposed; yet if I did believe it, I should be willing to hear what gentlemen had to say upon that head, and therefore would not be against giving them an opportunity, especially in a case every man allows to stand very much in need of redress.—I am of opinion, those gentlemen who shew so very great a concern for the revenue, need not be so much afraid that the giving a proper relief to the petitioners would diminish the public revenue; for I believe when proper papers and accounts are called for, and the matter fairly and fully examined, it will appear that the revenue has been no great gainer by the alteration some time ago made in the method of collecting the duty upon Tea: I believe it will then appear, that the increase of the public revenue has not near kept pace with the increase of the consumption; so that if those gentlemen have really nothing else to fear but a decrease of the public revenue, they need make no difficulty of relieving the petitioners. Gentlemen say, the session is to be but short, and therefore we have not time to enter into the consideration of this affair; upon which I must say, those who

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talk so, seem to have forgot one of the chief ends of our meeting here: the usage of Parliament anciently was, to grant no supplies till all grievances were first redressed, but the method seems now to be entirely altered: gentlemen find time enough to load the nation with many and heavy taxes, but can spare no time, it seems, to relieve the people from any burthen or grievance they justly complain of. They who talk so, must certainly have much more assurance than I am master of: I wonder how, after such a declaration, they can with confidence look their constituents in the face, far less expect that they should again do them the honour to send them hither. Those gentlemen really talk of this House, as if they looked on it as a register for taxes, and as if we had nothing to do here but to grant to the crown what sums the ministers should please to call for: I hope, we are not yet come to such a low pass; I have still a better opinion of this House than to believe, that you will reject a motion so reasonable and so necessary.

Mr. *Walter Plumer* said:

Sir; I am so sensible of the grievances of the petitioners, and the necessity of doing something to put a stop to that growing evil of Smuggling, that I have been in expectation of this petition ever since the session began. The time I spent in the country, during the last recess of parliament, happened to be where I had occasion to see a great deal of that infamous practice; so that if there was no other motive for going into the committee proposed, than that of endeavouring to do something to prevent Smuggling, that alone with me would be a prevailing motive; and for that reason I am surprized to see the motion opposed by any gentleman; much more by those gentlemen, who must know much more than I do of the great increase and fatal effects of this infamous practice. In the county of Suffolk, the Smugglers went about in such formidable bodies, that if something is not done to put a stop to it, they may soon threaten danger even to our civil government: I have often met them in gangs of 40 or 50 together all so well mounted, that even the dragoons could not come up with them; and they give such excessive wages to the men that will engage with them, that the landed interest suffers considerably by it: The common price of a day's labour in that country is already got up to 18*d.* and, even at that price, it is with great difficulty that the farmers can get labourers; and how can it be otherwise? For all the young clever fellows of the county are employed by the Smugglers; from them they have half a crown a day while they wait upon the sea-coast for the landing of the goods, and as soon as the goods are landed, and they mount on horseback to go about the country to dispose of them, they have a guinea a day, and are well entertained during their attendance: Thus they find a much easier and more profitable employment than any they can have from the farmer, and while they are thus employed, all improvements of land must remain in suspence. Gentlemen may talk of the great check put upon smuggling, by the joining of the laws of excise to the laws of the customs, but they must allow that that project, from which so much benefit was expected, has proved altogether ineffectual; and I am afraid, that all other methods will prove ineffectual, as long as the duty is so high, and so much advantage to be got by running. In that part of the country where I was, Tea is generally sold by retailers in their shops, at 5*s.* a pound; and as we must suppose the importer to have a profit upon importation, and as the duty amounts to above 4*s.* 9*d.* a pound, I leave gentlemen to judge whether it is possible, to sell by retail at 5*s.* per pound any tea, upon which the duty has been honestly paid. It is easy to guess whence all this Tea comes; the Smugglers buy it in Holland, at 2*s.* per pound, and from thence run it into this country; the Dutch buy it in the East-Indies at 6*d.* per pound, so that this nation pays the Dutch 1*s.* 6*d.* per pound for the carriage. This must be a vast loss to the nation, and certainly so great an advantage to Holland, that I am sure, if there were now a Dutch Minister in our Gallery, he would be extremely pleased to hear this motion rejected; and would not fail to acquaint the States General, how much the interest of Holland had, by some gentlemen in a British House of Commons, been preferred to that of Great Britain. I am amazed to find that some gentlemen do not see how much the revenue suffers by the practice of Smuggling, and though I do not expect that they should take any great care of the subject, yet I hope they will take some care of public revenue, since they have the fingering and managing of it. Upon the whole, I must say, if we have any regard for the subjects in general, for the

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trade of this nation, for the public revenue, for the landed interest, particularly the tillage; we certainly must agree to go into this Committee; I am sure nothing more worthy of our consideration can possibly come before us; therefore I shall be most heartily for the question.

Mr. *Henry Pelham* spoke against the Petition:

Sir; I cannot say, indeed, with the gentleman who spoke last, that I have been in daily expectation of this Petition; on the contrary, I was in hopes, as the sense of this House had been taken upon it last session, the Petitioners would have chosen a more proper time for renewing their request, than when we are upon the brink of a war. Our situation is at present such, that to do any thing which might possibly lessen the public revenue, would be acting otherwise than this House ought to do; the presenting it at such a critical juncture, seems really done with no other view, but that of reviving those clamours and disturbances, which were lately so artfully stirred up over the whole kingdom. It is impossible to talk either for or against committing a Petition, without entering some way into the merits of it, and into what may be expected to be done in that Committee: In this, if there is any irregularity, the gentlemen who have spoke for referring the Petition to a Committee, have been as guilty as those who spoke against it; but in my opinion, there is nothing more proper to be considered at present, than whether or no there can possibly be any thing proposed in that Committee, for redressing the grievances complained of in the Petition; for if no present redress can be thought of, it would not be very consistent with the dignity of this House, to go into a Committee upon any affair, only to stare at one another, and then to break up without hearing any thing proposed, or coming to any one resolution; and as yet I have heard nothing mentioned, nor so much as hinted at for us to do in that Committee, but what might probably diminish the public revenue, which is a risque we ought not to run at present. I am very sensible of the great enormities committed by the Smugglers, especially in the adjacent counties. The open and outrageous manner in which they carry on their frauds is well known; but that method of smuggling is much more expensive, difficult, and dangerous, than the private way they had of carrying on that practice, before the laws of the excise were joined to those of the customs; it is likewise well known, how many seizures have lately been made, and how many of those smugglers have been quite ruined and undone; this must necessarily discourage any new undertakers in that way, and will certainly put an end to that practice. I shall not now pretend to say, what increase has been made to the public revenue, by subjecting tea, coffee, and chocolate to the laws of excise, but it is certain that branch of the revenue has been since that time increased, and I cannot think but there was more smuggling before than since that alteration was made; there were not indeed so many seizures made before, nor was smuggling formerly carried on in so open or so violent a manner; so that it has since made a great deal more noise, and from thence most people conclude, falsely I believe, that smuggling has lately increased.—It is true, most of those things now under the laws of excise, are not so much followed after as tea, which indeed makes a difference as to the number of persons who are thereby subjected to the Excise laws; but as to those who by their being manufacturers of such other commodities, are subjected to such laws, they certainly have as much reason to complain of grievances, as the dealers in coffee and tea can possibly have; and therefore they have as good reason to apply to parliament for relief. Have not the malsters, brewers, soap-boilers, and a great many others, as good a title to all the liberties and privileges of Englishmen, as the dealers in coffee and tea, or any other subjects? and the reason for distinguishing both from the rest of their countrymen is, because the public utility and the nature of their business, make it absolutely necessary to do so; If we then take the case of the petitioners into our consideration, can we expect but all the other sorts of traders, who are, or imagine themselves in the same circumstances, will not apply to us for relief? and will it be consistent with the justice of parliament, not to take their cases under our consideration, as well as the case of the petitioners? thus shall we open a door for a great deal more business, than we shall have time to dispatch in this session or in this parliament. In the present case, gentlemen ought to consider, that the duties upon coffee and tea are appropriated to the payment of the public debts; and therefore, before we attempt any alteration, as to the method of collect-

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ing it, or any thing that may possibly diminish it, we ought to have the consent of those who are interested therein; and in case of a diminution we ought to be well assured of the means to make it up in another way. I have always had, and shall have as great a regard to the interest of the subject, as any member of this House; and I do not doubt but the honourable gentleman who spoke last has the same: but I never could think the taking care of the subject, and of the public revenue, were distinct considerations; they are certainly the same, and in all our deliberations in this House we ought to have a regard to both. I agree, that something may, and ought to be done, for putting an immediate stop to the present practice of smuggling, but I think it more consistent with the wisdom of this House, not to enter upon so copious a field at the very close of a parliament; and therefore, as one that wishes well to the subject, as a member of this House, and as an honest man, I shall give my vote for ordering the petition to lie on the table.

Mr. *Pulteney* spoke next in favour of the petition:

Sir; I find that all the gentlemen, who have opposed this motion now in your hand, pretend to be of opinion, that this is not a proper time for going into the committee proposed. This was, I remember, the chief argument made use of in last session of parliament against taking this petition into our consideration; then indeed they pretended, that the petition was signed but by a few of the dealers in that commodity: but this objection being now intirely removed by the gentleman who presented the petition, they are obliged to have recourse to the other objection, which they then made use of. In last session they told us, this session is near an end, we have not time now to enter into the consideration of the matters complained of in the petition, but next session it shall be done. Now we are in the next session, and in the beginning of the session too, they cannot tell us the session is near an end; but they say, this session will be but short, and as it is so near the close of a parliament, we cannot now enter into the consideration of this affair, but it shall be done next parliament. What arrant trifling is this? can gentlemen expect that this House will be treated in such a manner? who is the gentleman can promise, that this will be done next parliament? can he, who fancies himself the greatest man amongst us, be sure of having a seat in next parliament? or if he has, can he be sure that his power and sway will be the same? but why should this be but a short session? There is no necessity, that I know of, for putting an end to the session so soon; if there is, why did they not call us sooner? those in the administration have the sole advising of his Majesty, and it lies wholly in his breast when to call us together, as well as when to put an end to the session. Shall our trade then lie exposed to fraud and smuggling? Shall our fellow-subjects continue to groan under loads of oppression, only because they are resolved this session shall be a short one? The honourable gentleman, who spoke last, seemed to think that this petition was presented with a view only, as he said, to revive the clamours, and renew the disturbances that were last year without doors. This I am surprized at! Shall our oppressed countrymen be accused of having a design to raise disturbances, when they complain to parliament of the grievances they labour under? Shall those who sue to us in the most humble manner, and pray that we would take their case into consideration, and give them some relief if possible, be deemed seditious? No, they cannot be so much as suspected of having any such design; but if the present motion be rejected, it will, and it ought to revive those clamours, and renew those disturbances, which were last year most justly raised over the whole kingdom, by a most wicked scheme which was proposed in this House: the nation will from thence most justly conclude, that the scheme then set on foot is not yet laid aside; they will have reason to fear, that an honourable gentleman may perhaps be able to persuade gentlemen, at the beginning of a seven years parliament, to agree to that wicked scheme, which he could not persuade them to agree to immediately before a new election. If our fellow-subjects were intirely relieved from the oppression of excise-laws, it might not perhaps be so easy to saddle us with them again; but the gentleman is resolved to preserve this as a nest-egg, as a foundation to build on, whensoever he has a mind to take up again his favourite scheme. Gentlemen seem to be in a fright, as if the public revenue were to be diminished or taken away; but I am convinced their fears are groundless: all that is desired is, that we would go into a Committee, that we would take the affair once serious-

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ly into our consideration, to see if any thing can be done more effectually to secure the public revenue than it is at present, and at the same time to grant some relief to those who petition for it, and have a right to expect it. This will give us a title to return to our constituents with some confidence: and I can see no reason why we should leave to any future parliament the honour of doing a work, which will be of such signal service to their country and to their fellow-subjects: the grievance now complained of was, without doubt, the foundation of that wicked scheme which we had last year before us; and I am convinced, no gentleman who had the honour of opposing that scheme, will agree to the rejecting of the present motion; otherwise the House must be much changed from what it was when an honourable gentleman on seeing the minority daily increase, and the majority sicken away, was at last forced almost with tears in his eyes, to give up his favourite child, of whom he seemed to have a most extraordinary opinion, when he said, 'That gentlemen, who envied him 'other things, would some day or other 'envy him the honour of that project.' I am persuaded he still entertains the same good opinion of it, and waits only for a proper opportunity to renew it; for which reason he is unwilling that we should go into such a Committee as is now proposed, lest we should sap all the foundations of any future project for a farther extension of the excise-laws.

Sir *Robert Walpole* replied:

Sir; If I were to follow the gentleman, who spoke last, in all he has said, I must intirely neglect the question before us; but of late it has become so fashionable for gentlemen to run away from the question, and say every thing their fancies suggest to them, that it is impossible to give them any answer, and keep to the order of debate. I cannot comprehend how I come to be any way personally concerned in the present question, yet most of what the gentleman said seemed in a particular manner to be directed at me, which indeed is a subject I always speak to with the greatest unwillingness, as it is very little worthy the attention of this House. As to those clamours which were lately, or have at any other time been raised without doors, I know that all the means human industry was capable of, have been employed to raise clamour against me in all parts of the kingdom; but it is my happiness, that after ten years endeavours for that purpose, no objection could ever be made to my conduct, except what proceeded from something I had proposed or moved for in this House. I am not conscious to myself that I ever proposed any thing in this House, but what I thought consistent with my duty, as a member of this House, as a good subject, and as a servant to the crown; and in such case, gentlemen may talk of the privileges of parliament, and of the freedom of debate in this House, but if what a man says is to be misrepresented, and clamours raised against him without doors, for what he honestly and fairly proposes, or gives as his opinion in this House, I must leave to the House to judge, what their privileges may in time come to. As to the wicked scheme, as the gentleman was pleased to call it, which he would persuade gentlemen, is not yet laid aside, I, for my own part, can assure this House, I am not so mad as ever again to engage in any thing that looks like an excise, though in my own private opinion I still think it was a scheme, that would have tended very much to the interest of the nation, and I am convinced that all the clamours without doors, and a great part of the opposition it met with every where, was founded upon artful falshoods, misrepresentations, and insinuations that such things were intended, as had never entered into the thoughts of any man I am acquainted with.

I will now try, if I may be allowed to speak a few words to the question now before us, but must first take notice, that I do not remember any promise made last session, that this petition should be taken into consideration in this session; nor do I know any person that could make such promise, or that can now say it shall be considered of next session. I am sure I never made any such promise; but I believe any gentleman may say, that the next parliament may, if they please, take the affair into their consideration; and I think it is an affair of such consequence, that it will be more proper to enter upon it in the beginning of a new parliament, than at the very close of an old one. It has been pretended, that the alteration made some years ago, as to the method of collecting the duties on tea, has not prevented the running of that commodity, nor increased the revenue in proportion to the increase of the consumption; to prove this, gentlemen have been pleased to make computations, but as was before observed, they

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took a very unfair method. As to the running of tea, the alteration made has not indeed entirely prevented it, but I am sure it has made running a great deal more expensive and dangerous; therefore one may with a great deal of probability conclude, that no such large quantities of tea have been run since the late alteration was made, as there were before that time; or at least it may be said, that as all sorts of teas are now sold much cheaper abroad than they were formerly, and all our smugglers are become more cunning, and more bold and desperate, a great deal more of that commodity would have been run in upon us if that alteration in collecting the duty had not been seasonably made. As to the increase of the public revenue if gentlemen will take that branch of it at a medium for seven years before and seven years after the alteration, I believe it would be found to have been a growing revenue from that time until the year 1720, when indeed it began to decrease; but that was not owing to the new arts found out by the smugglers, but to the increase of their profits by smuggling; for in that year the Dutch had four ships at China, and the French had four more, by which they imported so great quantities of tea, and were obliged to sell it so cheap, that, they not only supplied those places we formerly used to supply, but greater quantities of it were run in upon us, because the increase of the difference between the price of that commodity abroad and the price here, considerably increased the profits to be got by running, which made the old smugglers run greater risks, and engaged a great many new adventurers in that pernicious trade; and this is the true cause why that branch of our public revenue began then to decrease; but if the former method of collecting that duty had been then in use, it would have decreased much more considerably: nay, I do not know but it might have almost intirely vanished. Another mistake which gentlemen have fallen into is, they have, as to the produce of this branch of the revenue for last year, forgot to make any allowances for the large quantities now in the warehouses of the East-India company, which must all pay duty before it can be removed in order to be sold for home-consumption; so that to pick out any one year for determining the amount of that part of the public revenue, is a very fallacious way of computing, because it intirely depends upon the sales which the East-India company are pleased to make, and not upon the quantity that is consumed within the kingdom that year, and yet gentlemen have been so candid, as to pick out this last year, when the produce was less than it has been in any one year since the alteration was made, in order to compare it with the year immediately preceding the alteration, when the produce was higher than it had ever been before and for this plain reason, because, when that alteration began to be talked of, every body imagined, that it would inhance the price of tea, and therefore most private families laid in great stocks of tea, before the alteration took place. When gentlemen talk of going into committees to consider of taking the duties off any commodity, they do not surely reflect, that it would be entering into an affair which requires the most mature consideration; there are many other duties which ought to be lowered or taken off, if we were to go into such a committee, I do not know but it might be thought more reasonable by many gentlemen to take off the duty on soap and candles, than to take off, or even to lower the duty now payable upon coffee and tea; but these considerations are what I cannot think proper to be entered upon in the last session of a parliament; therefore I must be against it at the present motion, whatever use may be made of putting a negative upon it; the rejecting of it may perhaps be made use of by some gentlemen to raise new clamours, and to increase the number of cockades, with the fine motto of 'Liberty, Property and no Excise;' but whatever hopes may be conceived from such low artifices, I entertain no fears about them, nor shall they ever deter me from declaring my sentiments freely upon any subject that comes before this House.—Hereupon

The *Speaker* rose up, and said, 'Gentlemen, it is no business of mine to appear on either side of the question: but it is my duty to take notice, when gentlemen are disorderly. There is nothing more irregular than for gentlemen to be personal in their debates, or to mention any thing that has been said in a former session of parliament, or even only the very day before.' Upon this

Mr. *Pulteney* stood up again, and said:

Mr. Speaker; It is certain there is nothing more irregular, than for gentle-

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men to be personal in their debates, or to mention any thing that has been said by any particular gentleman in a former debate; but if I am the person meant, I cannot think I have been guilty of any of these irregularities: I have said nothing but what related some way to the question in hand, or in answer to what had been said by some of the gentlemen who spoke before me. But now I am up, I will just mention one thing, with the indulgence of this House, which the honourable gentleman who spoke last seems to mistake; he seemed to me to talk as if gentlemen meant to take off the duty on Tea: nobody I believe, has spoke of taking off that duty; but if the duty be too high, or laid on in a wrong manner, if we go into a committee on that affair, I doubt not but something may be proposed for securing the duty to the public more effectually than at present; and for levying it in a way which may be more convenient and agreeable to the subject. We may remember what was the case of the duty upon Pepper; that duty was found by experience to be too high; it was lowered, and even by the lowering of it, the revenue came to be a considerable gainer. This may be found to be the case, with respect to tea, but this we cannot judge of till we go into a committee upon it, and have all papers proper for our instruction laid before us.

Sir *John Barnard* spoke next:

Sir; The honourable gentleman over the way has endeavoured to prove by argument, the contrary of what is known to be true in fact. He granted, indeed, that the subjecting of Tea to the laws of Excise has not entirely prevented the running that commodity; but then he said, if it had been subjected to the laws of Excise, much greater quantities would have been run, because of the great difference that there has lately been in the price of Tea abroad, and the price of it in this kingdom: now, I cannot believe there is, or has lately been, so great a difference between the price of Tea in foreign parts, and the price at our East-India sales; for it is certain that our East-India Company must and ought to regulate their price according to the price it bears in foreign markets: they certainly buy it as cheap in China as any other company can do, and it costs them no more to bring it home; therefore they ought to sell as cheap as any company does, otherwise they cannot pretend to sell any of their Tea in a foreign market; and it is to be hoped, they do not make use of their exclusive privilege, to lay a tax upon this nation, by making us pay dearer for their Tea than we can purchase it from others: this indeed would give an encouragement to smuggling, but this would be owing entirely to their making a bad use of their exclusive charter. For this reason it is to be presumed, that in the year 1729, when the price of that commodity fell so much abroad, it fell a great deal likewise at our East-India sales here; and therefore that difference, which the gentleman built so much on, cannot be the real cause of the decrease of that branch of our revenue since that time: but this is a fact which we ought to inquire into, and a strong reason for our going into the committee I have proposed.—It is true, the laws of excise do not contribute any thing to the encouragement of running; this is what no gentleman has asserted, but I am convinced they have contributed nothing to the preventing of running, and I am sure, if it does not appear, that they have contributed very remarkably to the preventing of that infamous practice, we ought not to leave such a number of our fellow-subjects, even for the space of one year, under the burthen of such oppressive laws, otherwise it cannot be said, that we have that regard to the ease of the people, which a British parliament ought to have, and I hope will have. The gentleman found fault with the computations made, but let him make his computations what way he will, I believe it will be found, that the increase of the public revenue has bore no proportion to the increase of the consumption; and this last increase, which must be acknowledged by every man, is a good reason why the rule, which the gentleman proposes for discovering whether the revenue has been a gainer by subjecting Tea and Coffee to the laws of excise, ought not to be observed; for if the consumption gradually increased for seven years before, and seven years after the alteration in collecting the duty on those commodities, the medium for the seven years after, must be much higher than for seven years before, and yet the increase of the public revenue cannot be said to be owing to the laws of excise, but to the increase of the consumption. As to the great quantities of tea now in the warehouses of the East-India Company, and the larger quantities pretended to be

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bought up just before the alteration took place, it is certain the company generally have large quantities in their warehouses, and sell them off according to the demand, which, as to our home consumption, must be pretty near equal one year with another; so that if they have greater quantities now than usual, it must be because of the little demand there is for their Tea at foreign markets; but whatever they sell for that purpose pays no duty, therefore it cannot be said, that the quantities they have upon their hands must all pay the duty, or that a variation in their sales can ever much alter the amount of that branch of the revenue. Whether large quantities of Tea were bought up just before the alteration took place, is what I shall not now pretend to determine, but if we go into a committee on this affair, the accounts of sales, and the accounts of Tea exported in that year may be called for, and from them that matter will appear; so that every fact the honourable gentleman has been pleased to mention, is a strong argument for our going into a committee upon this affair.—I find no fault with the duty on Tea being so high, I wish it were higher than it is, if it were possible to collect it, because I look upon it as an article of luxury; therefore, if the duty on some sorts of Tea were raised, and if all the Tea that shall hereafter be seized, was to be burnt and destroyed, I believe it would be much better for the nation: and this is an answer to what an honourable gentleman said, that we ought not to go into a committee, unless we are well assured, some gentleman has something to propose; though I do not allow his rule to be good, because, when a committee is resolved on, and proper papers called for, gentlemen may from them find something very reasonable to propose to the Committee, which they could not before think of: but in the present case, this argument is of no weight, for besides that already mentioned I could hint at several other propositions which may be thought reasonable. We are certainly in a wrong method at present, with respect to our duties upon Tea: there is a very great difference in the price of different sorts of Tea, and yet our duty is upon all sorts of Tea the same; Tea of 2*s.* per pound, pays as much duty as Tea of 20*s.* per pound; and therefore, in my opinion if the duty were laid on *ad valorem*, neither the public revenue, nor the East-India Company would suffer so much by the large quantities of low priced tea, run in upon us from Holland and Flanders. In cases, where the duty far exceeds the prime cost of the commodity, there is a very great temptation for smuggling: a man has more profit when he gets two hundred per cent. on the money he lays out, than when he gets but one, or perhaps but 50 per cent, and this will encourage him to run a greater risk, and will engage more persons to become adventurers. Upon this consideration it must be granted that the lowness of the price of some sorts of tea abroad, may of late have contributed a little to the increase of smuggling; but no laws can in such case prevent the practice; for where there is an excessive advantage to be got by a man's being lucky, no risk can prevent his endeavouring to grasp at it, nor will the misfortunes of some frighten others from becoming adventurers: this is the nature of mankind, therefore it is vain to imagine, that the joining of the laws of excise to those of the customs will prevent the running of tea, as long as the advantage to be got by it continues so extraordinary.—Though every man subject to the laws of excise is as liable to hardships as another, yet there is a very great difference between the excise upon tea, coffee, and chocolate, and the excise upon any other commodity. By all our other excises, except brandy, but a few people, none but the first manufacturers are made subject to the laws of excise, and by most of them, there is a very great addition made to the public revenue; but as to the excise upon tea, coffee, and chocolate, there is little advantage got to the public by that method, yet by that excise there are more people, I believe, made subject to those oppressive laws than by all the other excises. And surely, when we are to subject any of our fellow-subjects to oppressive laws, we ought to consider their number, and the benefit which the public reaps thereby, in order to compare the two together, and from thence determine, whether the advantage got by the public bears such a proportion, as may justify the laying so many of our countrymen under great inconveniencies: this shews that the giving ear to the just complaints of the petitioners, lays us under no necessity of taking the case of any other set of men under our consideration.

As to the consent of those, who have an interest in the duty upon coffee, tea, and chocolate, I believe we need give ourselves no trouble upon that head; for as

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they are certain, that the Parliament will not allow them to be sufferers, they will, as soon as asked, readily consent to any alteration we shall make, especially when it is for freeing such a considerable number of their fellow-countrymen from great hardships; but it will be time enough to think of this after we have come to the resolution of going into a committee upon this affair; therefore that argument can be of no manner of weight against the question.

Mr. *John Cockburn* spoke next:

Sir; In our present situation, I would be very far from agreeing to any thing that could possibly diminish the public revenue, but I am certain the revenue can be in no danger by our agreeing to the present motion; for when we are in the Committee proposed, if any such thing should be offered, gentlemen may freely give their negative to it, notwithstanding their having given their consent for going into a committee. I must say, I have not heard much argument made use of by the gentlemen who have opposed this motion: the whole of what they have said resolves in this, that the time is improper, because the session is to be but short; so that the true question now before us, is, shall we allow so many of our fellow-subjects to labour under what they apprehend to be a grievance, without making the least inquiry into their complaints? Or shall we sit three or four days longer than some gentlemen intend we should? As this seems the only question before us, it is easy for any gentleman to determine, which side he ought to take; I shall most certainly be for going into the committee moved for.

Mr. *Joseph Danvers* said:

Sir; I am so far from being for the question before us, that I think this House shews a great deal of good nature, in allowing the petition to lie upon the table; for, in my opinion, it ought to be rejected. I shall, indeed, readily be for any thing that may discourage not only the running, but the importation of coffee, tea, or chocolate; for I wish we would or could be made all to return to the good old way of our ancestors, in breakfasting upon good English ale and bread and cheese. Both the men and women of those days were, I believe, as strong and as healthy as they are now, and yet what they made use of for breakfast, did not carry one penny out of the nation: however, I think we may find out a much properer time for inquiring into this affair, than the very last session of a parliament, and a session which must be taken up in considering things of much greater consequence, not only to this nation, but to Europe in general. An honourable gentleman talked much of a scheme, which was before us last year, which he was pleased to call a wicked scheme; but I differ so far from him, that I think the gentlemen concerned in the administration never did a thing so wrong, as the giving up that scheme: I then thought, and still think, it would have been very much for the interest of the nation, and I am sure that it might have been carried, if those gentlemen had not of themselves let it drop.

Then the question being put, for referring the said Petition to a Committee of the whole House, it was carried in the negative by 233 against 155.

February 5. Sir John Rushout presented to the House, according to order, a Bill to prevent the infamous practice of Stock-jobbing, which was read the first time, and ordered to be read a second time.

Debate in the Commons on the Number of the Land Forces.] Feb. 6. The House resolved itself into a Committee of the whole House, to consider of the Supply, and the proper estimates being referred to that Committee,

Mr. *Andrews** stood up and spoke as follows:

Sir; By the employment I have the honour to be in, it naturally falls within my province, to take notice of the estimates which have been laid before us, relating to the charge of the guards, garrisons, and other his Majesty's land-forces in Great Britain, in the plantations, and in Minorca and Gibraltar, for the year ensuing: by these estimates gentlemen will find, that the charge for next year does but very little exceed that for last year; and therefore, considering the present state of affairs in Europe, which must be known to every gentleman in this House, I think it would be but mis-spending the time of the Committee, to say any thing with relation to the question I have now in my hand to move to you.—The difference between the situation this nation is in now, and the situation it was in last year, sufficiently justifies the small addition that is proposed

* Deputy-paymaster of the army.

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to be made to our land-forces; the addition proposed is no more than 1800 men, and even this addition is proposed to be made in the easiest and least expensive way: we have now three regiments at Gibraltar, which have always hitherto been placed on the British establishment, because, though they were sent there upon an emergency, it was never before thought necessary to continue them there; but since a war is broke out in Europe, it cannot be thought safe to recall them, and therefore in their place it is proposed to add 1800 men to the regiments we have now at home, and to place them for the future on the establishment for Minorca and Gibraltar. This, in my opinion, is so reasonable and so necessary a demand, that I shall give the Committee no farther trouble, but beg leave to move, "That the number of effective men to be provided for guards and garrisons in Great Britain, and for Guernsey and Jersey, for the year 1734, be, including 1815 invalids, and 555, which the six independent Companies consist of for the service of the Highlands, 17,704 men, commission and non-commission officers included." Hereupon

Sir *William Wyndham* spoke as follows:

Sir; I do not stand up to oppose the motion made by the honourable gentleman over the way; for as the motion stands, the number of forces proposed to be kept up for next year is, I find, no greater than that which was kept up for last year, and, according to our present situation, I do believe the keeping up the same number of forces will not be thought very extravagant; but by what the gentleman was pleased to say, there seems to be an augmentation designed; I shall therefore beg leave to propose an amendment to this question, because, as to our own particular situation, we are still left in the dark.—There is no gentleman in this House, who can agree to any demand that comes from the crown more chearfully than I shall, when I see any reason or necessity for such a demand: but when any augmentation of our forces, either by sea or land, is demanded, when any additional load is desired to be laid upon the people, while I have the honour to be one of the representatives of the people, I shall always expect to have sufficient reasons shewn me, before I give my consent for complying with any such demand; and therefore, upon every such occasion, I think a full information ought to be given touching the situation of our affairs, that we may from thence judge, whether we ought to consent to what is proposed: nay, though no augmentation had been asked, if nothing more were to be asked, but to keep up for next year the same number that was kept up last year; yet, as it is a heavy charge upon the people, and cannot surely be always necessary, the consent of Parliament ought not to be expected, without giving us some good reasons for it.—For this reason, I hope, that some gentlemen who can inform us, will rise up and let us know something of our present circumstances: it is high time we should know, not only our present situation, but likewise, what share we are to take, or if we are to take any, in the war now begun in Europe: it is chiefly with this view, that I am to offer an amendment to the question: my principal design in it is, that some gentleman may rise up, and give me some argument, afford me some excuse, for my consenting to lay a new load upon a people whom I know to be already most heavily loaded. I know, Sir, we are in a Committee, and therefore I may be indulged in speaking more than once, for which reason I shall now add no more, but only move, that the words, 'And including the three regiments 'of Tyrawley, Grove, and Kirk,' may be added by way of amendment to the question.

Mr. *Henry Pelham* said:

Sir; My opinion is the same with that of the honourable gentleman who made you this motion; the augmentation proposed is, I think, so very small, the manner of doing it so easy, and so little expensive, and the necessity of doing it so evident and apparent, that I did not expect that either I or any gentleman else should have been under a necessity of standing up to say any thing in support of the motion. The honourable gentleman, who spoke last, has proposed an amendment, and wants much, it seems, to be informed of our present situation, and hopes that some gentlemen will stand up and satisfy him: I do not take upon me to speak as a person any way concerned in the administration, I speak only as a member of this House, and, as such, I want no farther information; the lights I have, and which every gentleman in this House must know, are sufficient to enable me to give my vote in the present question: if other gentlemen, whose curiosity may be greater than mine, want to know more than they yet

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know, I am afraid they will return from the House no wiser in that respect, than when they come to it; for gentlemen are not obliged to say more than what is necessary for their present argument; nor are they bound, upon every occasion, to satisfy the private curiosity of other men.—Every gentleman must know the present circumstances of affairs in Europe, and from that consideration alone must see the necessity of the augmentation proposed; the three regiments, which are at Gibraltar have been, till now, kept upon the British establishment, because it was not expected, that we should have been obliged to continue them there: But since a war is broke out in Europe, since our neighbours have all great armies in the field and great fleets at sea, would any man think it wise or prudent in us, to diminish the strength of that place by recalling those three regiments? Or can any gentleman in this House think, that a less number of regular troops at home is necessary now in the time of war, than what was last year, in the time of peace, thought necessary for the defence of his Majesty's person and government? Surely no member of this House can possibly think so, and therefore I cannot see how any gentleman can disagree with the question now before you; since all that is thereby proposed is but a small additional expence of 34 or 35,000*l.* to the nation. It is only an augmentation of our forces at home, equal to, and in the room of those three regiments, which it is now become necessary to put upon a foreign establishment; for after they are once put upon that establishment, it is certain they cannot be called home, whatever necessity we may have for them here; and, for all that has been formerly said by gentlemen about numerous standing Armies, I know very well, that while I served in another office, we never were able to make such a disposition of quarters as to have it in our power to call above three or four thousand men together upon any emergency. For these reasons, Sir, I cannot agree to the amendment proposed: on the contrary, I never was, I think, clearer in any one question I moved in this House, than I am in that which you have in your hand.

Mr. *G. Heathcote* stood up, and said:

Sir; As the situation of affairs in Europe is very much altered since last year, so my opinion, with respect to the army, is greatly changed. I was, 'tis true, last session against keeping up such a number of regular troops, as the majority of this House were pleased to agree to; but the reasons which then made me vote against the number proposed, seem to be good reasons for agreeing to what is now proposed. We were then in a state of perfect tranquillity, both at home and abroad; but now the scene is changed, and we are in great danger of being involved in that war, which is already broke out: do not we see the King of France, who for some years has been in a state of inaction and seeming to mind nothing but diversions, now settling with great application to public business, and following the footsteps of his ambitious predecessor? Do not we see, that he by his armies, in conjunction with those of Spain and Sardinia, has in a very short time, over-run a great part of Italy? This has given the alarm to all the Princes of Europe, and certainly ought to give us some likewise. We are perhaps amongst the most remote from danger, but it may reach us at last; and in such circumstances, I should think it very unwise not to be upon our guard; for which reason I cannot but agree to a demand, which in itself I think so modest and so reasonable; and I wish that the present question had been agreed to without any opposition or debate, in order to convince the whole world that there is a good harmony subsisting between his Majesty and his Parliament.

Sir *Thomas Lumley Saunderson* spoke next:

'Sir; Notwithstanding what has been said by the two honourable gentlemen who spoke last, I am of the same opinion with my honourable friend who moved for an amendment to the question; for unless we are to engage, unless we are to have some share in the present war, I can see no necessity, nor indeed any reason, for the augmentation proposed; because I am very well assured, none of the powers engaged in war will attack us, if we have a mind to stand neutral; and if his Majesty were resolved to take any share in the war, or even to give the least assistance to either of the parties engaged, he would certainly have communicated his resolutions to his parliament: surely those gentlemen who have always thought, at least of late years, that an army of 18,000 men is necessary in times of peace, to support his Majesty's government, can never think, that the addition of 1,800 will enable him to take

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any share in the war, or to give assistance to any of his allies; from hence I must conclude, that his Majesty is not to take any share in the war, so that the smallness of the augmentation demanded, which they make use of as an argument for prevailing with us to agree to it, is with me a very strong argument for refusing to give my consent.—But, Sir, the chief argument with me for being against the present question is, that I am afraid lest the number of forces kept up last year should come to be thought always necessary to be kept, even in times of the most profound peace and tranquillity; and indeed the gentleman who spoke last but one seemed to insinuate as much, so that from henceforth we may reckon an army of 18,000 men as a part of our constitution; and even this army it seems is always to be augmented, whenever any little quarrel happens between any two of our neighbours, and that whether we are to have any share in the quarrel or not: this is the principal reason, Sir, why I cannot agree to the question, as it now stands, and therefore I shall be for the amendment proposed.

Mr. *William Pulteney* then spoke as follows:

Sir; The honourable gentleman who moved the question did extremely well in opening and explaining it to the committee, for it is in itself so dark and intricate, that without the explanation he was pleased to give us, I believe there are very few gentlemen in the House who would have understood it, or could have imagined, that a large augmentation was thereby meant to be made to our land-forces in Great Britain: by the words of the question, no greater number of land-forces than what was voted last year appears to be demanded, yet when it comes to be explained, we find that there is a demand for an augmentation of about 2,000 men: here is an army in disguise; it really puts me in mind of Bayes's army in the play, for it would have been an army *incog.* if the gentleman had not been pleased to discover it.—An honourable gentleman told us, that those three regiments now at Gibraltar, if they should once be put upon that establishment, could not be called home, let the occasion for them here be never so pressing; this I cannot admit, I can see no impossibility of calling them home, though they should be put upon that establishment; but, granting they were, have we not 12,000 men in Ireland, from whence we may call home as many as we please, upon any emergency: has not this been done in former times? And did not the parliament of Great Britain willingly make up the difference of the pay, and all the other charges that attended the transporting of them: besides this, cannot we call for troops from Holland, whenever we have occasion for any such? Has not this likewise been formerly done? We know that the Dutch are by treaties obliged to furnish us with 10,000 men, if we should be attacked by any power in Europe, and that at their own expence too; though I believe, indeed, that we never had as yet any such assistance from them, but what the parliament of Great Britain was obliged to pay for.—The gentleman spoke likewise of the disposition of quarters, and the difficulty of getting a number of men together, on any emergency. Sir, I have had the honour to serve in that office, as well as the honourable gentleman, and I never knew a disposition of quarters so made, but that almost all the troops in Great Britain could be got together by regular marches, time enough to oppose any enemy that could come against us, unless they should drop from the clouds; I cannot comprehend, from whence gentlemen imagine that such troops should be sent against us: must they not march, from their several quarters, to the sea-coast of that country from whence they are to come? Must they not have a fleet of ships to transport them, and a fair wind to bring them to this island? Will not all this take up time, and that enough to give us an opportunity of assembling our forces? This, really, Sir, to me seems to be raising fantasms in the air, in order to find pretences for loading the people of England with taxes.—The amendment proposed was not, I believe, meant by the honourable gentleman who moved it, so much to be insisted on, as to oblige those gentlemen, who desired us to consent to this augmentation, to shew us some reason for so doing; and with this view I must join with him, and will be for the amendment, until I hear some reason given for the augmentation: if those gentlemen will vouchsafe to shew us any reasons for what they ask, and those reasons shall appear to be sufficient, I make no doubt but that my worthy friend will be ready to drop the amendment he has proposed; and, until some reason is offered to us, I think I have no occasion to say

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anything more upon this subject. When they have shewn us their reasons for making the augmentation, I shall either agree with them, or I shall endeavour to shew why I do not think the reasons they have offered sufficient.

Mr. *Pelham* stood up again, and explained what he had before said, with respect to the calling home the regiments from Gibraltar, and with respect to the disposition of quarters.

Mr. *Walter Plumer* said:

Sir; I cannot but think that it is highly reasonable, for gentlemen to expect a little more satisfaction than what they have yet got, as to the necessity for this augmentation before they agree to it: this House has always been said to hold the purse of the people; but if we should agree to any tax or measure, which may oblige us to load the people with taxes, without the least reason assigned, we could not justly be said to be masters of the purse of the people; we could be only the slaves who carry it, in order to open it as often, and as wide as our masters shall please to demand. From all that has been said, I cannot see, that we are in any immediate danger either at home or abroad; and I am afraid, that the putting of those three regiments upon the establishment of Gibraltar, may be done with a view to make the people of this nation feel the expence of that place, in order to make them sick of it, and so to induce them the more easily to agree to the delivering it up.

Mr. *Digby* spoke as follows:

Sir; The number of land-forces now proposed to be added to the number voted last year, I must own to be but very inconsiderable: But as the number voted last year was by many thousands more than I thought necessary, I must now look upon all those thousands, as an addition made this year to the number of our land-forces; and as that addition is much larger than I can judge to be necessary, from all that I have heard from those gentlemen who are so fond of increasing our army, I cannot but be against any new levies.—Gentlemen tell us, That the expence of the augmentation proposed will be no more than 34 or 35,000*l.* But to this I must add the expence of those many thousands, which last year I thought very unnecessary to be kept up, and in this light the additional expence of our army for this year will amount almost to hundreds of thousands: Besides, those gentlemen seem to forget, that every man added to the army is a man taken from the labour and industry of their country; and with this view the real loss to the nation will amount to double that sum. Do they think that the labour of a working man is to be valued at nothing? I believe at the most modest computation, the labour of every working man in the kingdom, one with another, brings in 20*l.* to his country: It is by the labour and industry of such men, that the trade, and consequently the riches and the power of this nation is supported; therefore the taking any such man from his labour, must be doing a real injury to his country.—What was mentioned by an honourable gentleman affords me a most melancholy consideration: He was afraid lest an army of at least 18,000 men should come to be made a part of our constitution; I am of opinion, that the gentleman's fears are by much too well founded; for there are so many gentlemen, who seem to look upon an army of 18,000 men as always necessary for the support of our government; that though we have for some years past been in a state of the most profound peace, we have never been able to reduce our army below that number; but, as that number is not necessary in time of peace; as I think it is sufficient, even though we were in some little danger of a war, I cannot agree to any augmentation, unless I see some greater necessity for it than has been yet shewn.

Sir *William Wyndham* stood up again, and said:

Sir; My honourable friend has done me justice, in saying, the amendment I moved for, was principally with a view of having a little information from some gentleman in the administration, as to our present situation, in order that I may from thence be able to judge of the necessity of complying with the demand made by the crown: This is, I think, no more than what the parliament ought to desire, and certainly has a right to expect; and therefore I cannot even yet think, but that some gentleman, who is qualified for that purpose, will give us at least as much information about our present circumstances, as may enable us to give some reason for our consenting to the augmentation now demanded.

Sir *Robert Walpole* rose up and spoke as follows:

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Sir; Though I had resolved to sit still and say nothing in the present debate, yet, as I believe myself pointed at by the honourable gentleman who spoke last, when I find myself so often called upon, I cannot forbear giving some answer to what gentlemen have been pleased to say against the small augmentation of our forces, which has been proposed. As to the information which gentlemen are so fond of having, I do not really know what they mean by it, or what they want to be informed about: It is publicly known, that there is a war now broke out in Europe, even his Majesty in his speech has taken notice of it, and in the same speech his Majesty has been pleased to declare to us, that he is yet no way engaged in the war, nor would determine himself till he had examined the several facts alledged by both parties: This, Sir, is a deliberation consistent with the wisdom of his Majesty's councils, and from thence we may be assured, that we are not as yet any way concerned in the present war; we may, it is true, be concerned relatively and consequentially; but, from what his Majesty himself has told us, we must conclude that we are under no present engagements; and therefore I must think it strange in gentlemen to expect or desire any declaration from his Majesty, or those who have the honour to serve him, before any resolution has been taken, nay, even before his Majesty could possibly have an opportunity to inquire into those facts, which he has told us, he will thoroughly examine before he determines what to do.—But as it is a matter of the utmost consequence to all the powers engaged in the war, to know what part Great Britain is to take, or whether or no we are to take any part in the present war; we may conclude, that they are all extremely anxious about knowing what we are to do. And surely, if there is any power in Europe, who may in the event become the enemy of Great Britain, particularly interested in, and therefore anxious to know the result of our deliberations, it would be a very good reason, if there were no other, why gentlemen ought not to expect the satisfaction they seem so earnestly to desire, especially before so full and so public an audience: This, I say, would be a good reason for his Majesty not to declare his resolution here, even supposing he had come to a resolution; and till his Majesty thinks fit to publish his resolutions, gentlemen may believe, that neither I, nor any member of this House who has the honour to serve the crown, will be ready to make any declaration in this place, until we do it *ex officio* and by his Majesty's orders.—Now, Sir, without any farther information, let us consider the present circumstances of Europe; we all know, and his Majesty has told us, that a war is broke out in Europe; we are not immediately concerned in this war; but as the too great success of either side may endanger the liberties of Europe, we are certainly concerned in the event; and as we are concerned in the event, those powers, who may now, or hereafter come to think, that we are, in interest or self preservation, obliged to declare against them, will not they, as soon as they begin to think so, endeavour to take us at a disadvantage, and before we are prepared for our defence, in order to prevent our attempting to put a stop to those ambitious views which success may inspire them with? Is it not therefore necessary for us to be upon our guard, and to provide in time for our own defence? Upon this consideration, the necessity for the augmentation proposed, which some gentlemen pretend they cannot discover, is to me so apparent that it speaks itself; and the demand is in itself so modest, and so evidently shews, that his Majesty's inclinations are to lay as few and as easy burdens on his people as possible, that I must say, the making of any difficulty to comply with it, does not testify any great respect towards his Majesty, nor a warm affection or zeal for his government; and therefore I hope the question will be agreed to without any amendment.—As to the insinuations made by a worthy gentleman over the way, that there was a design to make Gibraltar appear expensive, in order to make people sick of it, and induce them to consent to the giving it up, the repeating this insinuation is, I think, a sufficient answer to it; for to say that the ministry, by adding three regiments to the defence of Gibraltar, are in a plot to deliver it up, has something so ridiculous in it, that I am surprized it should drop from that honourable gentleman; but I am persuaded he did not mean to be serious when he made that insinuation, and therefore I shall take no farther notice of it.

Mr. *William Pulteney* replied:

Sir; I believe most gentlemen, as well as myself, whose expectations were raised when the honourable gentleman stood up, have met with a very great disappointment:

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that gentleman, from whom we had reason to expect something that would have been of weight in the present debate, has not only told us, that we are to have no reason for what we are desired this day to agree to: but has given us very little hopes of having, at any other time, that information which one would think a British Parliament might expect. Are we to vote powerful fleets, and numerous armies; are we to lay new and great burthens on the people, and all this without being told any reasons for what we are desired to do? What satisfaction can we give our constituents, if they should ask us, why we have augmented our standing army, which must always be dangerous to the liberties of our country? Why we have consented to the increasing the public charge which is already heavier than the people can bear? Really, to this most material and reasonable question, I know as yet of no other answer we can give, but only that his Majesty has told us in his speech, that there is a war broke out in Europe in which we have no manner of concern; and his ministers have told us, that we ought to be afraid of the armies and fleets raised and fitted out by our neighbours, because they are under an absolute necessity of employing all the armies they can raise and all the fleets they can fit out, in those parts of Europe which are most remote from us. We have zeal, Sir, I hope we have all a great deal of affection and zeal for his Majesty's person and government, but do not let us allow his Majesty's ministers, or even his Majesty himself, to expect such a blind zeal from this parliament: it is inconsistent with the dignity of parliament, and I am sure that parliaments, thirty or forty years ago, would hardly have been persuaded to have shewn so much complaisance to the ministers of the crown.—What has been observed by some gentlemen, I own, Sir, weighs greatly with me: from the demand now before us we have reason to conclude, that 18,000 men may be the number intended to be always kept up within this island, even in the times of the greatest peace and tranquillity; and that the augmentation now required is done with a view only, that when such times shall again come, those in the administration may have an opportunity to pretend great merit, in reducing the 1800 men now proposed to be added: we all know what jealousies and fears the people have entertained at the continuing of this army, during the last years of perfect peace and tranquillity both at home and abroad; and if that measure should be again attempted when those days of peace return, every man must then conclude, that that army is kept up, not for defending us against our foreign enemies; but for the safety of those who have rendered themselves odious among the people, and for defending them against the resentment of an injured and a plundered nation: if this should ever happen to be our unfortunate condition, the people will certainly make a struggle for the preservation of their ancient constitution; this will certainly be the case; I know it must be the case, and when it is, I hope those who shall bring us under such hard circumstances will find, that even this army of 18,000 men will not be able to stand against the whole people of England. I have a great opinion of many gentlemen who have now commands in the army, and if such a case should happen, while they have any command, I make no doubt but they would behave as their predecessors did at the revolution; I dare say, that most of them would soon be found, of the people's side of the question.—If we are, Sir, to have any share in the war, the addition of 1800 men is but a bauble; and if we are to have no share, why should we bring any additional expence upon the people? The honourable gentleman would not say positively, that we were engaged or were not engaged, or that we were or were not to be engaged, but that we might be engaged relatively and consequentially; and this refined quibbling, Sir, is, it seems all the satisfaction, all the reasons he will vouchsafe to give gentlemen, for agreeing to the demand now made upon them. Is an English House of Commons to take this as a reason for breaking in upon their constitution, and for loading their constituents with taxes? Surely, Sir, let our condition be never so bad, and I believe it is bad enough, if the advice of parliament is wanted on that occasion, if their assistance be desired, they ought to have a full information of the present circumstances of the nation, and they ought to have sufficient reasons given for the demand that is made. But it seems we are for the future to have no other reason given us for complying with any demand that comes from the crown, but only because it is asked; and if any gentleman scruples to take that as a sufficient reason, he is, it seems, always to be told, that his not agreeing readily to the demand will be looked upon

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as a want of respect to the crown: let us, Sir, have all due respect to the crown, but for God's sake let us have likewise some regard to ourselves and to our fellow-subjects, without which I am sure we have no business here, nor can the nation ever reap any benefit from our meeting in this place.—The extraordinary expence of the augmentation now asked for, is said to be but 34 or 35,000*l.* It is, at least, 35,000*l.* which is a sum that may, perhaps, sound but little in those ears which are accustomed to millions, yet it is a great sum, and will be thought so by the people of England, who are already over-burdened with taxes and impositions: it is an additional expence which no man ought to consent to, unless he sees an absolute necessity for so doing: the honourable gentleman, it is true, says that the necessity is apparent, and that it speaks for itself; it is well it does so, for no gentleman has as yet thought fit to say any thing for it; but as I neither can see this apparent necessity, nor hear it speak for itself, I must therefore as yet be for the amendment which has been proposed.

Sir *William Yonge* replied:

Sir; The question now before us is, in my opinion, so reasonable, and the additional expence, which the honourable gentleman, who spoke last, was pleased to call a great sum, is, I think, so far otherwise, that I believe every gentleman in this House, when he heard this motion made, was surprized at the modesty of the demand, and could not but admire his Majesty's wisdom and the great care he had of doing nothing that might be burdensome to his people.—Gentlemen may, if they will, shut their eyes, and not see that object which stands before them in the clearest light; but the necessity of what is now proposed is to me as apparent as the sun at noon-day. Though we be not as yet any way engaged in the war now carried on in Europe, yet no man can answer for future events, nor can we know what resolutions foreign courts may hereafter come to: It is for this reason, that we ought to be always well provided for our defence against any sudden attempts, that may be resolved on or made against us; and we certainly ought to be better provided for our defence, when our neighbours are at war, than when they are in a state of profound tranquillity. When they are at war, they always have armies in the field, and fleets at sea; they have many pretences for marching their armies wherever they have a mind, and for fitting out what fleets, and at what places they think proper; with some of these they may come upon us unawares, and when we think that their warlike preparations are designed against those they are actually at war with. Whereas, in time of peace, though they have standing armies, yet those armies are dispersed and in quarters; and if any number of them should be gathered together, and prepared for an expedition, we should have a right to demand the reason for such preparations; and we could easily judge, whether or no they were, or could be designed against us; as to their fleet it is the same, though in time of peace they have ships of war, as well as other ships, yet their men of war are mostly laid up in their docks, and their other ships employed in their proper business; and if they should begin to fit out a fleet, and prepare for a naval expedition, we should have a right to demand whither they were designed; and could easily judge, whether or no they could be intended for an invasion upon us; in either of which cases, we should have time to prepare for giving them a proper reception: From this consideration it appears evident to me, that it is necessary for us to have both a great fleet at sea, and a more numerous army at land, when our neighbours are engaged in war, than we have occasion for when they are all in a profound peace; and I cannot but think that the augmentation now proposed is the least that can be judged necessary.—As to the conjectures, Sir, which gentlemen have been pleased to throw out, of what may be intended when peace shall be again restored to Europe, I think no gentleman now in this House is any way concerned in them, or obliged to give any answer to what has been said upon that subject: If what ought to be then done be not done, let those who shall then have the honour to advise the King answer for it; but a supposition that they will not do their duty, can be no reason for us to neglect or to refuse doing our duty upon the present emergency. The honourable gentleman was pleased to say, that he had heard no body speak, or give any reason for the necessity of the augmentation proposed; if it be so, I am sure I have heard no gentleman say any thing against it, and therefore, since nothing has been said of either side of the question, let every gentleman give his Vote, according to what his thoughts may suggest to him.

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Sir *Joseph Jekyll* said:

Sir; As I shall always shew a ready compliance with any demands, which his Majesty shall please to make, when I see they are requisite for supporting or defending the honour and interest of this nation: so I shall always be extremely cautious of agreeing to any thing, that may bring new loads upon the people, by increasing the public expence, unless when I plainly see an absolute necessity for it; and therefore, Sir, I cannot, for all I have yet seen or heard, agree to the present motion. I am not ignorant of the present state of affairs abroad, but as we are not as yet any way engaged in the quarrel, I can see no danger we are in from any power abroad, and therefore can find no reason for our making any additional provision for our defence; for though we were really in some danger, we have, in my opinion, sufficiently provided against it, by the large armaments we have already voted for the sea-service, which, as it is our natural defence, was cheerfully, and, I may say, unanimously agreed to: Nay, if we were to give some assistance to some of the powers engaged in the war, which no gentleman has yet said we are, it is certain that we may assist them as effectually by our fleet as by our land-forces, and in such case I should be for augmenting our naval force rather than our land-army.—The honourable gentleman, who spoke last, endeavoured to shew, that we ought to be better provided for our defence, when our neighbours are engaged in war, than when they are in a profound peace; but in my opinion, if we are no way engaged in the quarrel, we have then less occasion to provide for our defence; because when our neighbours are engaged against one another, they will certainly be so far from doing any thing that may disoblige us, that we must then be courted by both parties, if not for our assistance, at least for this, that we observe an exact neutrality; and to me it really seems a paradox to say, that any nation in Europe will be the more ready to attack us, because they are already deeply engaged against another enemy. For this reason I must conclude, that we are in no danger of being attacked, until we come to a resolution to join one side or other; when we have once come to such a resolution, we ought to provide for offence, as well as defence, and until then we ought to save as much as possible, that we may be able to execute our resolution, when taken, with the more vigour.—Gentlemen talk of France, and of the great armies they have in the field, and the great fleets they have at sea; but I am sure we can be at present under no apprehensions from them: that nation has now work enough upon their hands, in sending two great armies to different parts of the world, and providing at the same time for their own security at home; and whatever fleets they may have at sea, it is certain, that they will have occasion for them elsewhere; nay, even though they had not, I doubt much if it be in their power to send any such fleets to sea, as could give us just cause of fear. When gentlemen talk of invasions, I hope they do not think that this nation is to be conquered by ten or twelve thousand men; and unless they could send at once such an army, as would be able to conquer the nation, any lesser number would be just so many men thrown away; for our fleet would not only prevent succours from coming to them, but would likewise prevent its being in the power of those who landed, to make their escape out of the island.—But besides, its not being in the power of France to attempt any thing at present against us, I believe it is not in their inclination: they certainly look upon us as their allies, and have, I believe, good reason for so doing; I shall not enter into a disquisition of the many engagements we are at present under to foreign powers, but I am afraid they are such, that whatever measures we may pursue with respect to the present war, it will not be easy to reconcile the honour and the interest of this nation. If our interest should call upon us to assist the emperor and his allies, I am afraid we must forfeit our honour to France and her allies; and if our interest call upon us to assist France and Spain, we must equally forfeit our honour to the emperor; nay, if we should observe an exact neutrality, I am afraid both parties would have some grounds for accusing us of a breach of faith; I shall not pretend to give names or epithets to any measure, or to any minister; but a management, which has brought the honour and interest of the nation thus to clash, I cannot applaud.—As the design of proposing the amendment, which has been offered, seems to be only in order to procure some information, or some reasons for the augmentation demanded, I must say, that if the demand on one side be thought so very modest, it must be granted that what is asked on

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the other side is full as modest; and if nothing has been said for or against the augmentation, it certainly ought not to be complied with; for there is an eternal reason against it, which every member of this House must know: the people of England are not to be loaded with unnecessary charges; if this new charge be unnecessary, it ought not to be complied with; and if there be a necessity for it, that necessity ought to be shewn to this House; the parliament has as good a right to have the reasons for any demand from the crown laid before them, nay, a better, in my opinion, than the crown has to expect a compliance, without shewing them any reasons for their so doing; and therefore, until some reasons be offered for our complying with the demand, I shall be for the amendment.

Mr. *Talbot* spoke next in favour of the augmentation:

Sir; I am heartily sorry I should differ from the honourable and learned gentleman over the way, with whom I have always, until now, concurred in questions of this nature; and for whom I have the greatest respect and esteem. As I have always been one of those gentlemen, who have appeared against keeping up numerous standing armies in time of peace, I think myself obliged to give my reasons before I give my vote for the augmentation proposed; for though I never thought, that we ought to keep up a large standing-army in time of a profound peace, yet when there is a war actually kindled in Europe; when our neighbours are all making vast military preparations, I must think that we ought then to add a little to our forces both by sea and land, not only for our own security at home, but likewise to add to the influence which we may have, and ought to aspire to, with all the parties engaged in the war.—It is certain, Sir, that if there were no parties nor divisions among us, this nation would have no occasion to be afraid of ten or twelve thousand men poured in by surprize upon us; in such case I do not believe any power in Europe would attempt to invade us with double the number; but as there are parties and divisions among us, and always will be, as long as we are a free people, ten or twelve thousand foreigners, joined by all the power of the disaffected amongst ourselves, might do us a great deal of mischief, if not overturn our present happy establishment, especially if we had but a small number of regular forces at home.—It is likewise certain, Sir, that none of the powers engaged in the war will attack us, or do any thing to disoblige us as long as we remain quiet, and they are under no apprehensions of our going to join with their enemies. But when such a general war is broke forth in Europe, when the united forces of France, Spain, and Sardinia, are tearing the emperor's dominions in Italy asunder, are we to be altogether unattentive? Are we to sit intirely regardless of a war, which may end in the total overthrow of the balance of power in Europe? Surely, Sir, we are not; and if we should resolve to join either party engaged in the war, or if either of them should but suspect such a thing, would not the party against whom we should resolve to join, or who suspected that we were to come to such a resolution; would not that party, I say, attempt to make a sudden invasion upon us? For though they could not perhaps expect immediate success, yet it might give such a diversion to the arms of this nation, as might prevent its being in our power to put a stop to their ambitious views, or to preserve the balance of power in Europe.—In this case, Sir, it is of no weight to say, that after we have come to such a resolution, it will be time enough to provide for our defence; for, as I have said, the apprehensions of our neighbours may be sufficient cause for them to invade us, and those apprehensions we can know nothing of until we feel the effects of them; but even as to our own resolutions, they may happen to be discovered, as soon as taken; and as it requires a long time to raise any land-forces, and to discipline the men, so as to make them fit for service, it will be too late then to begin only to provide for our security at home; we ought, before we agree to any such resolutions, at least to be secure at home; and then, after it is taken, we may with ease provide for acting an offensive part.—Upon the whole, Sir, if any very large augmentation had been now demanded, I should not perhaps have given my vote for complying with that demand, without having been a little better informed as to the necessity for making such an augmentation; but the augmentation now asked is so small, that I look upon it as done chiefly with a view of shewing the world, that there is a good harmony subsisting between his Majesty and his parliament, which, perhaps, some powers abroad have been made to doubt

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of: and therefore I shall not only heartily comply with the demand made by his Majesty, but I wish that no sort of unwillingness had been shewn by any gentleman in this House; for as nothing can give so great a weight to the counsels of this nation among foreign princes, as a strict union between the king and his parliament; so nothing can give such a stab to our influence abroad, as an attempt to destroy that union; and if Great Britain should lose all the weight it has in the scale of Europe, to what a pass it might bring the affairs of Europe I shall leave to gentlemen to judge.—In short, Sir, those who oppose an army, as well when it is become necessary as when it was unnecessary, I must suspect of having some other reasons for their so doing, than those they publicly avow. To me the necessity of the augmentation asked appears to be sufficiently evident, therefore I am ready to give my vote against the amendment proposed.

After him Mr. Wyndham spoke against the augmentation; and then

Sir *John St. Aubin* spoke as follows:

Sir; I cannot persuade myself to agree to the motion as it now stands, because I have as yet heard no reason given for convincing me, that the augmentation now demanded is necessary; for though it be called but a small number, yet to me and to all those gentlemen, who were last year of opinion, that the number of land-forces then voted was by much too large, the augmentation must appear to be very considerable, as has been already observed. By the arguments I had formerly heard for continuing the army, and the arguments I now hear for augmenting the army, it appears plain to me, that some gentlemen are of opinion that an army, of at least 18,000 men, will always be necessary for the support of our government, and consequently must become a part of our constitution; for when our neighbours are all at peace, we are told that we must keep up at least that number of regular troops, because our neighbours have nothing to do with their troops elsewhere, and may therefore make sudden and unexpected invasions upon us; and when any two of our neighbours are at war with one another, which is the present case, we are told we must keep up a numerous Standing-Army, because our neighbours have large Armies in the field, and great Fleets at sea, which they may turn suddenly against us.—I have, Sir, a very good opinion of the English Soldiery, and when they have been properly employed, and kept in action, they have always done great honour to their country; but an army kept here at home, in a state of inaction, and wantoning in lewdness and luxury till they have quite lost the true spirit of Englishmen, and are become fit to be made slaves themselves, may easily be persuaded to make slaves of their fellow-subjects; and therefore I shall always be against keeping up a numerous regular army within this Island, let the pretences for it be never so plausible: our government has been supported for many ages without any such army, and even during the whole course of the last two great wars, there never was a greater number of forces kept at home for the defence of this nation, than the additional number now proposed, above what I, as well as a great many other gentlemen, thought necessary last year to be kept up.

Gentlemen talk of parties and divisions among us, and of its being necessary for us to prepare for our defence before we come to any resolution; there may be little divisions among us, but as long as his Majesty enjoys the affections of his people, those divisions would immediately cease upon the approach of a foreign enemy; we would all then unite in the defence of our king and country; and as to preparing for our defence, it is certain, that half the number of the troops we now have, would be sufficient to repel any such invasion that could be suddenly brought upon us; and if any design should be formed to invade us with a great number of troops, would not they require a great number of transport-ships? could such a naval armament be prepared without our hearing of it? and have not we already voted a great naval force, with which we might easily block up our enemies in their own harbour?—While the true maxims of English policy are pursued, neither his Majesty, nor any of his successors, will ever have an occasion for standing armies; the King will always find a security for his person and government in the hearts and purses of his people; but if ever a vicious minister shall begin to act upon other maxims, armies may then become necessary to skreen the minister, or even to support his master; and such a minister may perhaps find a corrupt parliament, servilely and slavishly complying with his most unreasonable demands: this may support him for a while, but the spirit of the people will be rouzed at last, and even that army, in which he

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puts his sole trust, may probably join with the rest of their countrymen, in taking vengeance on the man who attempted to enslave his country.

This I say, may probably be the case; but as standing armies may be so modelled and managed, as to become proper tools for tyrannical power, therefore there is nothing a free people ought to be more cautious of; and as I can see no necessity for the augmentation proposed, I cannot give my consent to the proposition. I do not, indeed, know our present situation; but whatever it may be I must say, that if, by the ignorance of him at the helm, if by his shifting the sails at every turn of the wind, our ship be brought into great distress, and our reckoning quite lost, he ought in justice and modesty to resign the helm. A general council ought to be called, and every particular circumstance laid fully before them, that they may from thence learn how affairs stand, so as to be able to judge how to put the ship in a right course.

Col. Cholmondeley, member for Bossiney, spoke next for the augmentation; and then the question was put upon the amendment proposed by sir William Wyndham, which was carried in the negative by 262 against 162. After this, the question was put upon the first motion, which was agreed to without a division; and then the following resolution was likewise agreed to, That 647,429*l.* 11*s.* $3d\frac{1}{2}$. be granted to his Majesty, for defraying the charge of 17,704 men for guards, garrisons, and other his Majesty's land-forces in Great Britain, Guernsey, and Jersey, for the year 1734.

*Debate in the Commons on Lord Morpeth's Motion for a Bill to prevent any Commission Officer, not above the rank of a Colonel of a Regiment, from being removed, unless by a Court-Martial, or by Address of either House of Parliament.**] Feb. 13. The Mutiny bill having been read a second time, and committed to a committee of the whole House,

Lord Viscount *Morpeth* stood up and spoke as follows:

Mr. Speaker; Though an army be, as yet, no part of our constitution, yet we find the parliament has of late thought

* "As this was understood to be the last session of the then parliament, the members in the opposition exerted themselves with an unusual vigour to give the nation very disagreeable impressions of the administration. The removal of the duke of Bolton and the lord Cobham from their regiments, was represented in the most odious colours as an arbitrary act of the minister, who was resolved to garble the army so, that no officer in it should dare to vote against him in either House of Parliament. They who knew better, were sensible that this neither was, nor could be, an act of the minister; because his Majesty had an inherent right to dismiss or appoint what officers of the army he thought fit; and it is one of those exercises of power upon which the safety of the constitution depends. Notwithstanding this, the ministers enemies were absurd enough to make a motion on the 13th of February, which tended to an absolute unhinging of the constitution, because it tended to make the officers of the army independent of the crown." Tindal.

"It must be acknowledged, the opposition were by this time irritated into such personal animosity against the minister, that they resolved to oppose all his measures, whether they might or might not be necessary for the safety and advantage of the kingdom. Nor indeed were they altogether blameable for acting on this maxim, if their sole aim was to remove from the confidence and councils of their sovereign, a man whose conduct they thought prejudicial to the interest and liberties of their country. They could not, however, prevent the augmentation proposed: but they resolved, if the could not wholly stop the career of the ministry, to throw in such a number of rubs as should at least retard their progress. The duke of Bolton and lord Cobbam had been deprived of the regiments they commanded, because they refused to concur in every project of the administration. It was in consequence of their dismission, that lord Morpeth moved for a bill to prevent any commission-officer, not above the rank of a colonel, from being removed, unless by a court martial, or by address of either house of parliament. Such an attack on the prerogative might have succeeded in the latter part of the reign of the first Charles; but at this juncture could not fail to miscarry: yet it was sustained with great vigour and address." Smollett.

"The spirit of opposition was carried to such an excess, that the minority not only resisted every measure of government with unabating pertinacity, but brought forwards a question that had a direct tendency to undermine and destroy the constitution which they affected so zealously to admire. In fact, this attempt had so direct a tendency to renew that military independance, which in the last century had subverted the throne, and enslaved the people, that even those writers who, in other respects, invariably decry the Walpole administration, have not scrupled to reprobate this proposal,

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proper to keep a much greater number of forces on foot in this kingdom, than was known in former times. I have always been one of those, who thought a much less number sufficient for the defence of this nation, and the security of our government; but a majority of both Houses of Parliament have been of a contrary opinion, being thereto induced, as I believe, sometimes by plots, and treasonable conspiracies at home; and at other times by the situation of our affairs abroad, and the precarious state in which the affairs of Europe happened to be in at that time. This has been our unfortunate case for many years past, and it is to be feared that our case for many years to come will not be much better, so that it is probable that the same number of regular forces, or perhaps a greater number, may be thought necessary to be continued from year to year; therefore I think it is the business of parliament to put our army under such regulations, as may be thought proper and necessary for the security of our constitution. —It is certain, a numerous standing-army, intirely under the influence of the crown, or of any one man, has overturned the liberties of most countries, and must always be dangerous to this; and though the parliament has hitherto thought fit to consent to the keeping up the number we have at present, yet it is well known what fears and apprehensions that measure has created in the minds of the people; and therefore it is become necessary for us to think of some regulation which may quiet them, by securing our constitution, as much as possible, against the bad consequences usually attending the keeping up of a standing-army; this may be effected in a great measure, by making our army not altogether so dependent upon the crown as they are at present; for the less dependent the army is upon any one man, the less dangerous they must be to the liberties of their country; and with this view it is that I shall beg leave to make a motion, which will, I hope, meet with general approbation.—There is one power now enjoyed by the crown, which must always be attended with the most dangerous consequences; I mean, the arbitrary power now lodged in the crown of removing the officers of the army at pleasure: at present the crown, or rather the ministers and favourites of the crown, may remove any officer of the army, without any reason or cause assigned, nay, even without so much as accusing him of any crime or neglect in his military capacity; and this power must appear to every gentleman to be the more dangerous, when we consider how many gentlemen of the army have seats in this House, as well as in the other House of parliament.—In all the other countries of Europe which have any pretences to liberty, though there are perhaps none of them that enjoy so much freedom as we do, yet there are, by their laws, some wise provisions made, with respect to their armies: In Holland no officer can be broke but by sentence of a Court Martial; but in Sweden, during the reign of their last King, they were so sensible of the many inconveniences and great dangers of this absolute power, which their King had over the army, that upon his demise, they made a law, that no officer should thereafter be removed from his commission in the army, without the consent of the senate. This must shew what opinion all our neighbours, who have any regard for the liberty of their country, have of this arbitrary power in the crown; and, as I hope, there are no people upon the earth who have a greater regard to the liberty of their country, than the gentlemen who now hear me, I shall therefore, without farther opening this affair, move, That leave may be given to bring in a bill for the better securing the constitution, by preventing the officers not above the rank of Colonels of Regiments, of such land-forces as shall at any time be allowed by authority of

though it was supported with all the strength of their favourite party. The motion related to the removal of the duke of Bolton and lord Cobham from their military commands.

"Lord Morpeth, after the reading of the mutiny bill, rose, and concluded a speech full of trite reflections on a standing army, under the influence of the crown, on the danger of arbitrary power, and some inapplicable and erroneous allusions to the constitution of Holland and Sweden, by moving for leave to bring in a bill "For securing the constitution, by preventing officers, not above the rank of colonels of regiments, from being deprived of their commissions, otherwise than by judgment of a court martial to be held for that purpose, or by address of either House of Parliament." This motion was argued at great length, and with uncommon warmth; but though ancient and modern history was ransacked, and every topic introduced introduced which ingenuity could suggest, few observations worthy of record were produced. The minority were fully employed in defending their proposition against the charges with which it was overwhelmed by the ministerial advocates." Coxe's Walpole.

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parliament, from being deprived of their commissions, otherwise than by judgment of a court-martial to be held for that purpose, or by address of either House of Parliament.

Sir *John Rushout* seconded the motion thus:

Sir; The noble lord, who has been pleased to make you the motion, has opened it in so full and so clear a manner, and has made it appear to me so reasonable, that I cannot help joining with his lordship in it. That a standing army is no part of our constitution, will not, I believe, be denied by any gentleman in this House, it being declared so by the mutiny-bill, which we have just now read a second time; but yet our army has been kept up so many years, and is likely to be kept up for so many years longer, that it is high time to provide some antidote for that evil, which every man so justly apprehends.—By the mutiny-bill it appears, that no common soldier can be punished or dismissed as guilty of a crime, till he be first tried and found guilty by the sentence of a court-martial; that the officers of the army should be in a worse situation, that they should be liable to be removed, as if guilty, without any crime so much as alledged against them, or any trial or sentence, appears to me so inconsistent, that I am surprized some regulations in this particular has not been made long ago. The noble lord, who made this motion, took notice that there were, and, I believe, always will be, a great many officers of the army who have seats in parliament; there are now above forty who have seats in this House; and though I have an opinion of them, and do not doubt but that they will act with as much integrity as any other gentlemen in the House, yet as long as they are liable to be turned out of their commissions at the the pleasure of a minister, they may justly suspect that the continuance of their commissions may depend upon their behaviour in this House; and therefore it must be granted, that they are more liable to a ministerial, or a court-dependence than other members are; for which reason, I am sure that they cannot disapprove of a proposition, meant chiefly to set them on the same independent foot that other gentlemen are on, with respect to their behaviour in this House: I cannot indeed apprehend, that a proposition in itself so reasonable can meet with any opposition; but if it should, I make no doubt of having the assistance of those gentlemen of the army, who have the honour to be members of this House, in support of a proposition designed for their security, as well as for securing the liberties of their country; I am only afraid lest modesty may make some of them withdraw: This I shall be sorry for; but I hope none of them will shew so much self-denial as to oppose the motion, only because it is for their private interest to agree to it. I shall not upon this occasion give the House any farther trouble; the regulation proposed is so apparently reasonable and necessary, that I do not think it requires much to be said, either to explain or enforce it; and if any objections should be started, I hope other gentlemen will take care to remove them, therefore I shall only second the motion.

Mr. *Clutterbuck* stood up, and opposed the motion:

Sir: Notwithstanding what has been said by the noble lord who made the motion, and the honourable gentleman who seconded it, I cannot give my concurrence. The noble lord set out with saying, that a standing-army is no part of our constitution; God forbid it should ever become so: But is certain, that the parliament may sometimes find it necessary to keep up a standing-army from year to year, for the support and defence of our constitution; and for this purpose it is, that the parliament has of late years consented to the keeping up of the army, which some gentlemen in this House have, indeed thought to consist of too great a number; but I do not remember ever to have heard it so much as insinuated, that we ought not to have any regular forces at all in the country. The constitution of this country is the best I know, or ever heard of; and therefore I shall always think, that all that is incumbent upon us, is to preserve and hand it down, as it is now, to those that shall come after us; but if there were any flaw in our constitution, I am sure the proposition now made to us, would be so far from mending, that it would intirely sap and undermine it. It has always been the undoubted prerogative of the crown, to make and remove the officers of the army at pleasure; this is a part of our constitution, and to invade the prerogative, or wantonly to rob the crown of any part of it, is certainly an invasion of our constitution, which people ought to be extremely cautious of; for if

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we once begin to make alterations or innovations in our constitution, it will not be so easy to tell where it will end, or how far we may go: If we once begin, we may be carried such lengths as may intirely subvert that constitution, which has rendered this nation so rich and so powerful, and which makes us at present the happiest people upon earth. While the army continues in its present condition, while the officers depend upon the king for their commissions, and the whole army upon the parliament for its continuance and pay, our constitution cannot be subverted by our army, nor can we be in any danger from any number of regular forces so kept up; but if this proposition should take place, it would make the army really dangerous to our constitution; the army would then become both independent of king and parliament, and might soon make themselves masters of both. There are many crimes an officer may be guilty of, which might give good and sufficient reason to his Majesty to remove him, and yet those crimes may be such as cannot properly be tried by a court-martial; for example, disaffection: His Majesty and all mankind may be fully convinced of the disaffection of an officer, though it may be impossible to prove that disaffection to the satisfaction of a court-martial; and yet the disaffection may be so flagrant, and so ready to break forth in some treasonable act, that the safety of the government, the very being of our constitution, may depend upon the immediate removal of that officer; and as this proposition, should it pass into a law, would make such officers the more bold and enterprizing, the consequence of their disaffection, which could not then be immediately prevented, would be the more to be dreaded. The noble lord mentioned to us the case of some of our neighbouring countries, but I must think, that when we see other people more happy or more free than ourselves, it is then time enough for us to fly to other countries to seek examples for our imitation: And as to the case of Holland, I cannot say I have lately considered that constitution, therefore I speak with uncertainty; but I believe that as to their army their stadtholder has the same power that our king has; he may, I believe, remove the officers of the army at pleasure, and for us to take from his Majesty that power, which all his royal predecessors have enjoyed, which even the states of Holland have trusted their supreme magistrate with, would, in my opinion, appear very strange, especially since it must be granted, that his Majesty has never once made an ill use of that power, or done any thing to deserve its being taken from him. In short, I take this proposition to be a most dangerous innovation, if not a thorough alteration of our constitution; therefore I cannot consent to it.

Mr. *Sandys* said:

Sir; I am very much surprized to hear the honourable gentleman, who spoke last, say, that this proposition would sap and undermine our constitution; for if a standing-army be no part of our constitution, as he himself was pleased to admit, how can it be possible that any regulation with respect to our army, can sap and undermine, or indeed have any thing to do with our constitution? It is certain, that our army is not as yet any part of our constitution; but if a standing-army be continued for any time to come, upon the same footing it is at present, some future ambitious king, or criminal prime-minister may model it so as to make it not only a part, but under them, the whole of our constitution. The officers of the army and other dependents upon the crown, may at last become so numerous in both houses of parliament, that they may come to be almost the only persons to meet here, in order to make laws and impose taxes, and then to send their orders to their inferior officers and substitutes, to execute those laws, and levy those taxes; and all this under the direction of an ambitious prince or wicked minister, who may make a blind submission to the most arbitrary commands, the only tenure by which they are to hold their commissions, or even their seats in parliament; in such case I would gladly know where we could find the liberties and privileges of the people of England, or any other constitution, but that of our King, his ministers, and his army.

The prerogative of the crown, this power which our kings are said always to have enjoyed, and which gentlemen are so much afraid of the crown's being robbed of, is but a very new prerogative; for a standing-army is so far from being a part of our constitution, that until of late years there never was any such thing known in this nation; until the revolution we never had any such thing as a regular standing army; the army that was raised at that time, was raised to defend our liberties and properties, and to assist a prince who came to

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rescue us from slavery; as soon as the danger was over, it was always understood that the army was to be disbanded, but the two heavy wars we were successively engaged in, made it necessary to keep up a standing army during the reigns of that prince and his successor; and ever since that time there have always been, I do not know how, some pretences found to keep up a numerous standing-army, even in times of the most profound peace; so that we seem now so firmly saddled with it, that I am afraid few gentlemen in this House will live to see our present army, or any part of them, reduced. Before the revolution, those armies, by which we always so bravely defended ourselves, those armies, which made us a terror to our enemies, were armies raised among the people, upon the approach of danger; and as soon as that danger was over, as soon as peace returned, the army was dismissed, and the soldiers returned to their usual labour and industry; in those days it is well known that our military force did not intirely depend upon our kings. The King, indeed, had the chief command, but most of the other commanders were such as were chosen by their respective counties, or such as held their commands by their tenures, and could not be removed from that command, without being legally found guilty of a crime, no more than they could have been removed from their free-holds: Therefore, when gentlemen talk of the prerogative of the crown, which they say is to be invaded by this proposition, they must be understood to mean only that prerogative, which has grown up since the revolution. It is certain, that the prerogative of the crown has always been a very growing part of our constitution, and for this reason our ancestors have often been obliged to clip and pare it, otherwise all the liberties and privileges of the people would long ago have been swallowed up by the prerogative; and, I believe, it will be granted, that the prerogative, even within these last 30 or 40 years, has grown pretty considerably. I believe every gentleman will admit, the power of the crown is now infinitely greater than it was for some years after the revolution; and I wish that those, who now seem so tender of invading what they call the prerogative, would, upon other occasions, appear as tender of invading the liberties of the people: this ought to be the principal care of every member of this House; the crown stands in no need of any advocates here, because by our constitution, the crown may put a stop to any incroachment upon the prerogative, when the incroachment is such as may not be thought necessary for the preservation of our liberties. The gentleman talked of innovations and alterations in the constitution, as of something new and terrible; I do not know what that gentleman may mean by innovations and alterations; but I am sure our constitution has seasonably met with many amendments. Do we not know, that formerly the crown not only named, but could remove the judges, at pleasure; and this arbitrary power of removing, with respect to the judges, was formerly a part of the prerogative; but as great inconveniences were felt from the use that had been made of this power, it was taken from the crown; and the judges, when once named by the crown, were by law made judges for life. This law, when first made, was certainly intended to make them judges for their own lives; but even this part of the prerogative has begun again to grow; and those very gentlemen, the judges themselves, have been prevailed on to find out I do not know what quirks and evasions, whereby they seem now to have fixed their right for the life of another person only. However, even as it stands now, the prerogative has thereby been diminished, and whether this was called an invasion, an innovation, or an alteration, I do not know, but I am very sure, it was a very necessary amendment, which has produced no inconveniences, nor any way injured our constitution; and why doing the same thing with respect to the officers of the army, should give such a terrible alarm to some gentlemen, as if our constitution was thereby to be sapped and undermined, I cannot comprehend. I agree with the honourable gentleman, that our constitution, to take it in the general, is as good, if not better than that of any of our neighbouring countries, yet in some particulars some of them may have the advantage of us, and in these we ought not to be ashamed to take example from them, and from thence endeavour to improve our own: For political constitutions, even of the best sort, are like the constitutions of human bodies, apt to languish and decay, and often stand in need of restoratives; even our own constitution, good as it is, wants every now and then to be polished and restored to its primitive lustre, and particularly that growing part, the prerogative, ought sometimes to have its cur-

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become branches lopped off, otherwise it may become too heavy for the principal stock: This is what our ancestors have often done, and this is what I think we may in the present case do, without the least danger. The honourable gentleman took notice of the trials by courts-martial, and said, that there were many things an officer might be guilty of, for which he ought to be removed, and which, nevertheless, could not be properly tried, or, at least, not fully proved before a court-martial; and he mentioned particularly the case of disaffection: I cannot grant that this is a case which can often happen; but allowing that it might, it is fully provided against by the motion which the noble lord hath been pleased to make: Does not the parliament sit every year? And, in case of an officer's being notoriously disaffected, is it to be doubted, but that the parliament would address his Majesty to remove such an officer from all command in the army? And there could be no danger from the delay, because his Majesty could, in the mean time, suspend him, or even lay him under an arrest, if it should be thought necessary.

Colonel *Bladen* spoke as follows:

Sir; I can by no means give my assent to the proposition now before us, as it tends to the taking from the crown a prerogative, which, not only by our constitution, belongs to the crown, but has, by express acts of parliament been declared to be solely in the crown; for a proof of which, I shall only desire the two militia-acts passed in the 13th and 14th years of the reign of king Charles II. to be read. [Here the Clerk of the House read those Acts.] Whatever gentlemen may say about our constitution, it appears by these acts, that the sense of parliament then was, that the supreme government of the militia, and of all forces by sea and land then was, and ever was the King's undoubted right; and that the King might, at pleasure, commissionate or displace the officers of the militia; and therefore I must think, that if ever our militia-force was under any other regulation, it was either a regulation which was not according to our constitution, or it was a regulation which was found to be so inconvenient, that it was very soon altered. Gentlemen may indeed say, that these acts concern only the militia, and have no relation to our standing army; but as our militia was found to be of little or no use after our neighbours began all to keep up regular standing armies; therefore we were obliged to substitute, in the place of our militia, a regular standing army; and consequently, the same power over that standing army and the officers of that army, must be supposed to be vested, by these acts, in the King, as he is thereby declared to have had over the militia and the officers of the militia; and now to attempt to take away that prerogative, when I am sure it cannot be said that any wrong use has lately been made of it, appears to me very extraordinary.—I have heard, that some gentlemen are so much out of humour with our present government, and so tired of our present happy establishment, that they would do almost any thing to get rid of it; they would, for that end, even agree to the making a thorough change in our constitution, by forming it into a commonwealth; I could never indeed believe that there was any truth in these reports; I could not believe that there could be such a madman in this nation: But should this motion take place, if I could so much as believe that gentlemen were really serious in the motion they have made, I would no longer look upon such reports as chimerical; for I never heard of any motion made in parliament, which tended so directly towards establishing a commonwealth, as the present does, except some of those famous motions which were made in the years forty and forty-one; and I am persuaded, if this motion should take place, it will produce the same consequences.—What! to create an army for life, an army independent of the King, sure gentlemen are not in earnest, or they must have forgot the confusions, and the fatal effects which were formerly produced in this nation by such an army. I thank God, I am none of those who are tired of our present happy establishment: I think we enjoy our liberties in their full extent, and I shall never give my consent to a proposition, which would put it out of the King's power to remove any, even of those officers who are appointed to guard his royal person, without the consent of the other officers: It would be found to be a difficult matter to prevail with a court martial to punish or break an officer, perhaps, for a crime which every one of that court martial was himself guilty of. If the gentlemen of the army should once be made to depend only upon one another, they would soon be made sensible of their own power,

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and we do not know what use they might be tempted to make of it. In short, Sir, the proposition, in my opinion, tends to nothing but confusion; and therefore I am heartily against it.

Sir *Thomas Robinson* spoke next against the motion as follows:

Sir; I cannot help expressing my surprise at a proposition of this nature; for though it has been talked of without doors for some time past, yet I never could 'till yesterday believe that it would actually have been introduced here; because it appears to me to be founded on a supposition, that the same number of forces we now maintain, is for ever to be entailed on our posterity.—Had a proposition of this nature come hither from another quarter, founded on the perpetuity of the army, it would have been thought highly unreasonable; and if a regulation thus founded, should pass this House, it may be made use of hereafter as an argument to continue the army, when there is no longer any reason for it; and may be employed as a means to interweave the civil with the military power, and to make a military establishment a part of our Constitution.—As this question has been stated, the power of the king and the liberties of the people seem to interfere, and therefore it will be very difficult to speak in favour of the one, without being liable to be represented as having a design to depress the other; but as the excellency of our Constitution consists in preserving a just temperament between the King, Lords, and Commons, and the right balancing the power allotted to each, we ought not to attempt to diminish the power of either of these three in any instance, unless by the exercise of power in that particular case it be found, that that branch of our legislature is armed with a strength disproportionable to the other two; and therefore, before we concur in taking away from the crown the prerogative of displacing officers, it ought first to be very clearly demonstrated, that the influence the king has at present over the army, is greater than is necessary for the security of his person and government, or greater than is consistent with the liberties of the people; and this I take to be the very point in question.—The very point now in debate seems to be, Whether the lopping off so great a branch of prerogative from the crown, and transferring it to the army, will not disarm the crown of a power necessary to keep the army firm and steady to our present establishment? and whether by trusting it in the hands of the soldiers, we may throw a greater degree of independent strength into the army itself, than it ought to have, a much greater than has hitherto been thought either fit or prudent to intrust it with?—Upon this occasion, I cannot help reminding gentlemen, what fatal consequences attended that law made in the year 1641, whereby it was put out of the power of the king to dissolve or prorogue the parliament without their own consent; if breaking the balance of any of the three powers in the legislature, if the two houses of parliament assuming to themselves an independency not lawfully vested in them by our constitution, was attended with so many evils, what may we not dread, should we see the officers of an army not removeable, but by their own consent? The history of the last century fully shews us, what various scenes of confusion succeeded the fatal statute I have just mentioned, and every one's thoughts may suggest to him, what must be the natural consequence of this, should it succeed.—If gentlemen will only recollect a little the Roman history, they will find, that whenever military governments of provinces were given for life, or for a certain term of years only, or even when the army got the privilege of choosing their own officers, the sovereign power came soon after to be lodged in the army itself, and proved fatal to those very persons who had acquiesced under these ill-judged concessions; and I am afraid, if a power should be given our army, that no officer shall be put out, but by the judgment and consent of the other officers, the next natural step for them to take will be, that none shall be put in or preferred, who have not their recommendation; for armies are of such a nature, that they either must obey, or will soon command. Numberless examples might be produced in support of what I have said, both from ancient and modern history; but I shall not now enumerate particulars, with which many other gentlemen may be better acquainted than I am.—And that this has been the received opinion of our ancestors, since monarchy was known in this island, becomes evident by reflecting, that in all the struggles they had with the crown for liberty; nay, even at the time of the late revolution, when every thing was thought of by the patriots of those days, for lessening the royal prerogative, so far as was judged necessary for, or consistent with

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the preservation of our constitution, I do not remember to have read or heard, that there was ever a mention made of any project of this nature; and it is most certain, that if such a project had been in force 50 years ago, our business in this House would now have been rather to have registered the edicts prescribed to us by the army, than to have debated any thing that might affect a body of men made so formidable by their independency.—I would ask the gentlemen, who are for this proposition, one plain question, Whether it be not absolutely necessary, that either the military power must be dependent on the civil power, or the civil upon the military? If from the nature of things one be necessary, the option cannot be difficult to make. Surely, gentlemen upon this occasion, do not recollect the fate of their predecessors in the middle of the last century, when the parliament, by granting such concessions to the army, made the army soon hold them in contempt, who had thus made the military power independent of the civil magistrate; I say, I must take it for granted, that this part of our history is intirely forgot, when I see a question moved in this House, tending to give the army that independency of the state, which has formerly made, and in process of time, must again make parliaments useless; for I look upon mankind in general as pretty near upon a level, in all ages, very strong temptations will too often get the better of the very best intention, and like causes will always produce like effects.

In my opinion, the great danger to be guarded against in all armies is, any step that tends to raise them to a state of independency; and therefore by the wisdom of the legislature, our army is so wisely constituted, as not only to be dependent on the annual votes of this House for its subsistence and continuance, but also as to the number it shall consist of; then as to the nomination of the officers, it has always been lodged in the crown, as it is highly proper it should, they have always been left dependent on the king, whose person they are obliged to defend, whose government they are intended to support.

Thus is our army necessarily dependent in a double capacity, the whole is dependent on this House for its very existence, which may be put an end to whenever any danger comes to be apprehended from it; but the officers, while the army exists, are to depend on the king for their commissions, otherwise how could he depend on their fidelity or behaviour, should they be called forth to action; for an officer may be guilty of several crimes which cannot be properly laid before a court-martial, particularly disaffection, of which, though there be proof sufficient to make it indisputable, yet the proof may be of such a nature, as not to be proper to be laid before a court martial, or perhaps cannot be laid in such a manner, as to make it have its just weight with officers sitting in judgment on one of their own fraternity.

Though, therefore, in this respect, our army, as it receives its annual support and existence from the parliament, may be called a state-army, a denomination an honourable gentleman has much insisted on, yet, I think, the conclusions he has drawn from thence are very ill grounded; for a state-army, as such, does not in the least imply a necessity of the officers holding their employments for life; on the contrary, it seems necessary in all armies, they should be subordinate to some other power, that they may not defeat the purpose for which they are maintained; for if they should be thus made dependent only on themselves, and independent of the three other powers of the legislature, it will, in my opinion, be laying the foundation of a fourth power, a military one, which may, in process of time, render useless the other three.

This leads me to consider, in whom the advocates for this question propose to lodge this power, this important branch of the prerogative, which is to be lopped off from the crown, if this military scheme succeeds: as the prerogative of the crown is to be diminished, one would naturally imagine the power of the people was intended to be increased; but this is not to be the case, it is to be transferred from the crown, not to the people, but to the army, and lodged solely with the officers themselves, who, from that moment, will be independent of the crown, and in time, perhaps, of all other authority; for one of the great restraints upon the army is this very prerogative, which the king has of displacing officers who may be suspected of bad intentions: give this privilege to the officers themselves only, and what security shall we then have for their future behaviour? In short, we shall then have raised a power in support of the present establishment, with-

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out having provided a security against its attempting to overturn that very establishment; for thus, by removing this necessary check upon the army, a distant time may come, when the nation, with reason, may be jealous of an army, in whose hands we shall have put a power sufficient to enable them to get the better both of king and parliament, and to set up a new constitution of their own; whereas, while the army continues in the state it is at present, there is little danger to be apprehended from it, even should it have the rashness to attempt any thing against either.

It has been urged by an honourable gentleman under the gallery, that, as the judges hold their employments for life, we ought to convey the same privileges to the officers of the army: in my opinion, this is reasoning upon a very wrong foundation, for, I think, no just parallel can be drawn betwixt civil and military officers in general, but certainly there is the widest difference between those who act in a judicial, and those who act in a military capacity; for the same state of independence necessary to leave the judge unbiassed in pronouncing judgment, would tend to disengage the soldier from that interest, to which he ought solely, and in contradistinction to all others, to be thoroughly attached: a judge should be left free and unbiassed, that he may speak what the law speaks, and distribute justice impartially to all parties; but the very nature of the army requires the strictest subordination in the officers, without which there can be no discipline; the soldier must be dependent, and must act in subjection to the lawful commands of those, by whom he is maintained; nor can any qualification make amends for his failure in this particular.

There is besides a particular circumstance, which makes it impossible to draw any just parallel between the judges and the officers of the army; the judges not only determine between subject and subject, but they are likewise to determine between the crown and the people; if any question arises between the king and a subject, they are to determine the point in dispute, and therefore it is necessary that they should be made as independent as possible upon either of the parties; but no such power was ever yet lodged in the officers of the army, and it is to be hoped never will; for though I have so great an opinion of the gentlemen who are at present in the service, that I think any power may be safely lodged in their hands, yet, I believe, they neither desire such a power, nor would they consent to the giving of any such to their successors.

But the proposition now made to us would render the officers of the army still more independent, both upon our king and government, than the judges are at present: if a judge be guilty of any crime, or of any neglect of duty in the execution of his office, he is not to be tried by the other judges only, he is to be tried by a jury, he is to have an open and a fair trial in Westminster-hall, as the rest of his fellow-subjects have; and if it were otherwise, if a judge for any misbehaviour, were to be tried in a private way by his brother-judges only, I should think both our lives, liberties, and properties in greater danger from them under such a regulation, than if they were still dependent on the crown for the continuance of their commissions; and it must be granted, that this last would be the case of the officers of the army, if this proposition should take place; for they could be tried by none, they could be punished by none but themselves, and consequently they would have no dependence but upon one another; and without any derogation to the characters of those, who are now so worthily at the head of the law, or to those who command in the army, I believe every person will allow, that the fear of punishment, and the hopes of reward, are equally necessary to keep most men to their duty, and of course to make them useful to society.

As another reason in support of this proposition, an honourable gentleman has recommended the wisdom of the Swedes to our imitation, who, he says, have introduced this very regulation in their army; but give me leave to observe, in answer to this, it is so very late a practice among them, that they cannot yet be proper judges, how far it will answer the purpose for which it was introduced.

To be sure it is very commendable in those who have spoke for this question; nay, it is the duty every man owes his country, to observe the methods of government used in other states, and adopt that which is founded on wisdom and true policy into their own; but in all attempts of this kind, a strict regard is to be had to the particular turn of our own Constitution; for what may be a necessary step in one state, may prove to be the destruction of another; and therefore, most certainly, the bare example of the Swedes ought not to

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influence us to take so extraordinary a resolution, unless the nature of our Constitution would justify it: if gentlemen reason only from the example of the Swedes, they may with the same justice plead for a farther introduction of their laws; and as all foreign affairs are transacted by their Senate, they may on the same account expect, that the management of all our foreign negociations ought to be submitted solely to the direction of this House; they may likewise pretend to transplant other customs, prevalent in the senate of Sweden, into our Parliament, which would quite alter the present form of our Constitution, and introduce a new species of government into this kingdom; for it is certain, that a king of Sweden has now hardly the power of a stadtholder of Holland, especially with respect to the officers of the army; none of whom he can even create or promote, without the consent of the senate; their government at present is, indeed, little more than a commonwealth, so that few things can be drawn from their practice, as an example fit for us to follow.

Before I conclude, Sir, give me leave to remind gentlemen, that our histories sufficiently teach us this truth, that our liberties and constitution are never in greater danger, than when any one of the branches of our legislature grasps at any power or authority, which hath, by the wisdom of our ancestors, been appropriated to another, and therefore, most certainly, an unwarrantable attack upon the prerogative of the crown, which may, indeed, be intended to extend the liberties of the people, is in reality the readiest way to bring them into danger. I believe every impartial person will acknowledge, that in our present happy situation, we of this nation enjoy as much liberty as is consistent with that subjection which is necessary for the support of all governments; and the surest way to continue this particular blessing to ourselves, and to perpetuate it to our posterity, is to rest satisfied with what we enjoy, and not to hazard what we already have, by aiming to extend the liberties of the people to a degree, perhaps, we ourselves may be the first persons shall be sensible of the inconveniencies of: all experiments, therefore of reforming the constitution, must be hazardous, unless where the event is clear and undisputed; tampering with the laws, where our liberties are concerned, hath often proved of dangerous consequence; and whenever we come to new modelling the constitution in any essential point, unless where an apparent necessity requires it, it is impossible to tell how far the spirit of reformation will proceed. I beg pardon for taking up so much of your time; as I once had the honour to be in the service, and under a gentleman, whose good nature and affability must ever demand the esteem of all that know him, (general Wade) and who is as little desirous of grasping at an unreasonable power, as he is capable of misapplying that he is already trusted with, I flatter myself, that during the time I was under his command, I learned a little what the nature of an army is; and had I still been in the service, so far from retiring upon this question, as has been recommended to those in the service, if gentlemen would divide upon it, which I shall not believe they intend doing, until I see it done; I say, had I still been in the service, I should have been equally strenuous against the question; as it has always been my opinion, that the surest way to depend on any set of men for their acting right, is not to give them an unnecessary power or temptation to do wrong. For these reasons I think myself obliged to use my endeavours, that neither this, nor any other proposition of the like nature, however popular they may at this or any other time appear, shall ever meet with encouragement from this House.

Mr. *Winnington* * stood up, and spoke against the motion thus:

Sir: I cannot let this question go, without declaring my abhorrence to the motion that has been made to us; I really think it is the most monstrous motion I ever heard made, since I had the honour

* "Mr. Winnington was descended from ancestors who had often, if not always, distinguished themselves by opposing ministers; and his conduct, when he first came into parliament, was in the same strain. He was considered by many as being in his private sentiments not only a Tory but a jacobite; but being a man of penetration, very quick parts, and no bad speaker, he easily saw that the opposition to sir Robert Walpole was merely personal, and that principles were adopted merely to carry it on the better. In short, he perceived, that as parties were then modelled, he could just as consistently with his former principles join the court as mingle in the opposition. Being a man of pleasure, he soon determined himself to join with the minister, by whom he was both protected and preferred to such a degree, that he was said to form a scheme for advancing himself to sir Robert Walpole's

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to sit in parliament. Gentlemen say, an army is no part of our constitution; but if the proposition they have made should take place, the whole of our constitution would soon be at the mercy of our army. At present, the officers of the army depend upon the King for their commissions, and the army itself depends upon the parliament for its continuance, and for its pay; but if you should once make the officers of the army independent of the crown, if you should once give them a sort of freehold in their commissions, they would soon make both King and Parliament depend upon them. If both King and Parliament should join in opinion, and think it proper to make a reduction of any part of our army, do you imagine that these gentlemen with their swords in their hands, would quietly lay them down, and retire to their respective homes at our desire? No, they would then tell you, our commissions are for life, they are our freehold, a law of your own making has made them so, and you shall not take them from us, unless we have been guilty of a crime; if we have done any wrong, let a court martial be called, let us be tried in that way which is by law prescribed, and if we be found guilty, we will submit. This we may reasonably suppose would be the language of those you had a mind to reduce, and in such a case gentlemen may easily guess what redress the nation could expect from a court martial.—The liberties of Rome were never destroyed, until their army was made an army for life; and even this country lost its liberty by an army: as soon as an army was raised, and made independent of the sovereign power, they overturned the whole of our constitution; they pulled a predecessor of yours out of the chair; and kicked the members out of doors; and shall we establish such another army? The proposition is surprising. I would rather lie under any imputation, than that of having made such a one to this House; I am sure it is very far from appearing to the noble lord, who made it, in the same light it does to me; I have, I think, a just opinion, of it; but if he had judged so, I am very well convinced he would never have offered it to this House. However since the proposition has been made, and as every gentleman is at liberty to treat any proposition according to that light in which it appears to him, I must say, that I look upon the motion as monstrous absurd, and slavish, and therefore I am heartily against it. If I have spoke with too much warmth, I beg pardon: I hope it will be ascribed to my zeal for our constitution, and the present happy establishment; and not to any want of respect for the gentlemen, who seem to favour a proposition, which appears to me in a light so very different from that in which, I believe, it appears to them.

Sir *John Hope Bruce* replied as follows:

Sir; The honourable gentleman over the way, I must say, has spoke with a great deal of more warmth than decency, and has treated the soldiery, both ancient and modern, in a manner which I think both scandalous and unjust. That gentleman spoke of the Roman liberty, and pretended that the loss of it was owing to their army's being made an army for life: I can remember nothing, Sir, of an army for life at Rome: I do not remember that they ever had any such regulation in their armies even as this now proposed, which is very far from establishing an army for life: on the contrary, if they had had any such regulation, I believe it would not have been in the power of their generals, or emperors, to have modelled and garbled their armies, so as to make them serve those vile purposes, which they were made to serve.—If the gentleman will please to read over the Roman History with attention, he will find that the loss of the Roman liberty was, at first, more owing to bribery and corruption in their elections, and in their Senate than to their army: it was by this bribery and corruption that all public virtue was destroyed in that country; and when the virtue of the army, as well as the people, was destroyed, it became an easy matter to make tools of both, for the support of arbitrary power.—I have had the honour to serve in our own army: I have likewise, Sir, served in foreign armies; and I think I know a little of the nature of both: from thence it is that I judge, that no army will allow themselves to be turned against the liberties of their country, unless it be left in the power of some ambitious man to model them, so as to make

places. But to do him justice, after he joined the ministry, he served it both zealously and effectually: only he thought that the national discontents might make it expedient for his Majesty to displace sir Robert without disgracing him; in which event he supposed it not impossible for him to succeed to his power; and in this he made a much greater progress than is commonly imagined." Tindal.

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then fit for his own wicked purposes: It was this that made our army, in the last century, turn against the parliament which had raised them; and the army will always be dangerous, as long as any such power is lodged in any one man.—I have the honour, Sir, to be acquainted with many of the general officers, as well as other officers, in our own army at present; I know their worth and their merit, and I shall never fear any thing from an army under their command and direction: but if what has been once attempted should ever be attempted again, if our army should be garbled, the gentlemen who are now in command turned out, and fellows of mean birth, or perhaps foreign officers, put into their places, we should have every thing to fear from such an army, even though the generality of the common soldiers should continue to be made up of our own countrymen.—Upon this occasion I cannot but take notice, Sir, of what I read the other day in a very judicious author, who upon this very subject, says, 'That any minister who advises the king to dismiss a good officer, who has long and faithfully served his king and country, is guilty of the greatest and blackest act of treason against his prince;' and therefore, Sir, to prevent as much as possible the committing of any such treason in time to come, I shall be for agreeing to the proposition now before us.

Mr. Hugh Williams spoke next against the motion, and after him,

General *Wade* stood up, and spoke as follows:

Sir; The gentlemen of the army are certainly very much obliged to the noble lord, who made this proposition; and I doubt not but every one of us would be for it, if we thought it were consistent with the good of our country. For as it is natural for all men to desire to be independent, it is not to be doubted, but that the officers of the army desire it as much as any other set of men; but whether it may not be of dangerous consequence to make so great an alteration in our constitution, is what principally weighs with me; and for my own part, I shall always give up any private advantage I may expect rather than agree to any measure, which may in the least endanger or hurt the constitution, or the public interest of my country.—Since I have had the honour, Sir, to sit in this House, I can say, that I have always acted with the same freedom, as if I had no commission, nor any concern in the army; and though I have generally joined in opinion with those who were in the administration, yet I have likewise upon many occasions differed from them.—I remember that when the famous South-Sea-Scheme was in agitation in this House, though it was brought in by a minister, and strongly supported by those who were then at the head of the administration, yet I had the honour to be one of the 55 who divided against it. It is true, Sir, I had upon that occasion messages sent to me, and was threatened to be stripped of all my military employments, but those threats had no weight with me; nor shall such threats ever have any weight with me in any case where they come in competition with my duty as a member of this House, with my duty as an officer of the army, or with my duty as a subject of Great Britain: and, I hope, that this is the resolution of every man, who has the honour to bear a commission in the army.—Gentlemen talk of Courts Martial, and of his Majesty's having the power to name the officers who are to be upon them: his Majesty has indeed the power of granting warrants for the holding of courts martial as often, and in such places as he shall please to appoint; I have myself a warrant from his Majesty for holding courts martial in North Britain, where I have the honour at present to command: but I never did, nor does his Majesty, ever name the officers who are to be upon such courts martial. That service being performed by a roll, as other parts of duty are, I have often very great difficulty to get a sufficient number of officers for holding those courts martial; for sometimes six or seven captains, besides subalterns, will be absent at one time; and it is hardly possible now, in time of peace, to get them to attend their duty, notwithstanding the great power the crown has over them: since then they are at present so negligent of their duty, would they not be much more so, if they could not be dismissed for neglect of duty, but by a sentence of a court martial? If any of those officers should be brought to be tried for neglect of duty or any other such crime, by a court martial, the majority of which might perhaps consist of officers, who had themselves been guilty of the same fault, can gentlemen imagine that in such a case any officer would be broke, or any way punished by a sentence of that court martial?—In short Sir, the discipline of our army is already

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in a very bad way, and I am afraid, if this proposition should take place, it would be entirely destroyed; for if this proposition should pass into a law, it would not only take away all dependency upon the crown, but it would destroy that subordination of inferior officers to their superiors, which is absolutely necessary to be strictly kept up in all armies; and without which, an army would soon become an unruly mob, instead of being a regular, and a well disciplined army; therefore, Sir, I cannot but be against the proposition.

Mr. *Erle* spoke next:

Sir; As this proposition must certainly tend to the establishment of an army, with too great and too independent a power in itself, I must think it extremely improper and I must think that the honourable gentleman, who spoke last, has very well and very justly observed, that it would destroy all discipline in the army, and would, I believe, introduce a general licentiousness among the officers; for there are many irregularities an officer may be guilty of, which could not well be brought before a court martial; and if they were, the irregularity might be so general, that it would be hard to get such a court martial as would punish the officer for a crime, which perhaps every one of themselves might be guilty of. It is well known how many complaints there are already both against officers and soldiers, for irregularities committed in their quarters: even with all the power which his Majesty now has over the army, it is very hard for those to whom he entrusts the chief care and management of his army, to keep the officers and soldiers to their duty, and to prevent their being now and then guilty of some little acts of oppression in their quarters; but if the proposition now made should pass into a law, it would render the quartering of soldiers most grievous to the people; one officer would say, I have made my quarters good, as they call it, another would do the same; this would encourage a third, a fourth, and so on, until the practice became general; and if they were to be tried and punished for this only by a court martial, can gentlemen imagine, that they would not acquit one another? It is true, officers may have been removed without being guilty of any crime; I was myself once removed, when I am sure they could not lay any crime to my charge; I was then sorry for it, but I was not for carrying my resentment so far as on that account to turn every thing topsy-turvy; yet there was at that time more ground for such a proposition than there is at present; there has been no garbling or removing of any considerable number of officers, and therefore I cannot find out what could give occasion for this motion at this time. Was not the great duke of Marlborough in the midst of his glorious success, removed from all command in the army? I believe no man will accuse him of having ever been guilty of a crime, or even of a neglect of his duty: was not the man who was put in his place justly suspected of having designs against the present happy establishment? Nay, so justly was he suspected, that when the late king came over he durst not stand his trial, but took guilt upon himself, and fled from the justice of the nation; yet upon that occasion, there was no such proposition as this made in Parliament. I cannot, with the honourable gentleman who spoke last, think, that the officers of the army are much obliged to those gentlemen who appear in favour of this proposition; on the contrary, I think, that it is entertaining a very bad opinion at least of those officers, who have the honour of sitting in this House, to imagine, that they do not act with the same integrity and freedom that other gentlemen do; I am sure I should not think, that any man entertained a good opinion of me, if he thought that I could be induced, either by threats or rewards, to act contrary to my duty in this House. There is not the least ground for suspecting any such thing of any gentleman of the army who sits in this House, and therefore, I am not only against the motion, but I hope that it will be treated in such a manner as may prevent its being ever renewed in this House.

Mr. *Pulteney* replied:

Sir; I cannot but observe the unhandsome manner, in which some gentlemen have treated the motion now in your hand, and the hard names they have given it, such as monstrous, absurd, slavish, and the like: I am sure, neither the noble lord who made the motion, nor any of those gentlemen who have spoke in support of it, can, from their conduct in this House or in any other part of life, from the families they are come of, or the large properties they possess, be the least suspected of entertaining any notions of slavery, or of making any motion in this House for destroying any part, far less for undermining the

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whole of our constitution: I will avoid retorting those names, or saying any thing that may give offence, though I am sure I may do it with far more justice upon those gentlemen, who have taken that liberty with others. The honourable gentleman behind me spoke of officers making their quarters good, which is a military term I really do not understand; but I suppose it is doing something they ought not to do, and yet something, as that gentleman seemed to insinuate, which they are so apt to do, that there is no preventing it without keeping them in a slavish sort of dependency. He told us, that he was himself once removed, and that he was very sorry for it, he was it is true, once removed, and that he was sorry for it, I believe, nobody will doubt; but I hope it was not for making his quarters good; for though the gentleman likes good quarters, and knows as well when he is in such as any man, yet I am convinced, that he is incapable of doing any thing wrong, either for obtaining quarters, or for making them good: he likewise told us of the duke of Marlborough's having been removed; I believe no man will say it was a right step to remove that great general, but it has no relation to the question now before us; because, if I understood the noble lord's motion right, the power of removing generals from their command as generals in the army, is to remain in the crown, as much unlimited as ever it was before: and it must be granted, that the removal of that great man, and the many removals that followed, if they have any relation to the present question, are strong arguments in its favour; for, I believe, every man who wished well to the constitution, would have wished that such a law had been in being at that time; and indeed all the other arguments I have heard against the proposition, if I may be allowed to call them so, are much stronger for it than against it.

Gentlemen talk of invading the prerogative, as if it were a most heinous thing, to lessen, in any respect, what they call the prerogative; but this has been already answered by a worthy gentleman; he justly said, that the prerogative has been growing ever since the revolution, and it is certain that it is daily gaining ground both in this House and the other. The power of the crown, every member of this House, as well as the other, ought always to be jealous of; for what by creations and translations, it may at last grow so great, as entirely to overturn that balance upon which our constitution depends. The prerogative now in dispute, is a prerogative of very short standing; even the prerogative, as to the militia, mentioned by an honourable gentleman, has been assumed but of late years; and though the power of the King, as to the militia, be very fully and explicitly declared in the two acts that gentleman was pleased to read to us, yet I hope, that neither he, nor his friends, will recommend all the proceedings of the parliament in which those acts passed, as proper patterns for us to imitate; nor will he desire, that we should approve of every thing that was done at that time in parliament: Besides, there is a very great difference between the officers of a standing army, and those of the militia; the first is both an honourable and a beneficial employment, the last is become of late years not very honourable, and I am very sure it cannot by law be made a beneficial employment; so that the arbitrary disposal of commissions in the army, may be of much more fatal consequence to our constitution, than the arbitrary disposal of commissions in the militia. Gentlemen have asked us, Will you make the officers of the army independent? Will you give them their commissions in the nature of a freehold? No, by the proposition now made to us, they are to depend upon the king and parliament as much as ever they did before upon the King singly: His Majesty is still to have the power of preferring them entirely lodged in him, and his Majesty, with the assistance of either House of Parliament, is still to have the power of removing any one, or any number of them, without any reason or cause assigned: This is very far from making them independent; but suppose they were to be made independent both of King and Parliament, has the parliament and people, supported by the King, more to dread from such an army, than the parliament and people have to dread from an ambitious king, supported by an army made, by this power of removing and preferring, entirely dependent upon himself alone? An officer, who depends upon nothing but the laws of his country, is engaged in interest, as well as honour, to support those laws as the tenure by which he holds his commission; but an officer who depends entirely upon the absolute will of one man, be he king, or be he chief general, is a tenant at will, and is in interest, at least, engaged to submit to the

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will of his lord in every thing: It was this that made the army so pernicious about the middle of the last century; they had become entirely dependent upon their general, and then their general made what use of them he had a mind; and it was a neglect of this maxim, which saved our constitution towards the end of the same century, because our king then began to break through the constitution, before he had taken care to make the army entirely dependent upon himself alone: If that king had taken care of the last before he had attempted the first, the nation would now have been groaning under popery, slavery, and arbitrary power; it was a most remarkable fatality in the counsels of our oppressors, that saved the nation at that time; but if we do not, by our own wisdom and our own conduct, prevent it for the future, we deserve the most heavy chains that were ever laid upon any people.

It is not intended, by the proposition, to give the officers a freehold in their commissions; but if it were, can it be said, it would be unjust? Have not many of them purchased their commissions at a very high price; perhaps with the whole of what they had in the world? And would it not be the height of injustice, that such gentlemen should be turned a-drift, at the pleasure of a minister of state? Have not many of them bought their commissions by long services, much blood-shed, and many wounds? Is not this a purchase much more honourable, than that of giving a few guineas for a piece of land? And must the officer be turned out of his only subsistence to please a peevish minister, whilst the land-purchaser, who perhaps robbed his country in order to purchase that land, is protected by the laws of his country in the possession of his ill-gotten purchase? Is this justice? Or is it a shewing of that respect which is due to those who have boldly and faithfully served their country? But there is this farther hardship, the officer who is turned out, not only loses his bread, but his honour may suffer into the bargain; for if it is not very publicly known for what he was turned out, the malicious world may be apt to suspect, that he was discarded for some very heinous and dishonourable crime. Some gentlemen have already taken notice, that there are a great many officers of the army who have now seats in parliament, and while they are allowed to sit in this, or in either House of Parliament, it is certainly to be wished, that they were put upon the same independent footing with other gentlemen: I do not in the least suspect the virtue of those who at present have seats in either House of Parliament: Their virtue is, I find, what those who oppose the present question would gladly lug into the debate: But as neither their virtue nor honour has any thing to do in the question, I may freely say, that when gentlemen either now, or hereafter, have their whole at stake, and see by the example of others, the danger of pretending to contradict an insolent minister in any of the most wicked of his measures, it is putting their virtue to too great a trial; it is more than human frailty can well support; and I am sure he must be very little acquainted with the nature of mankind, who thinks that the constitution, and the happiness of his country, may safely depend upon the event of such a trial. The honourable gentleman over the way, who who is in the army, and who I am sure, has acted with as much honour in this House as any gentleman in it, has given us an unanswerable argument in favour of the proposition now before us: He has told us, that when he opposed a scheme, which he thought a pernicious scheme, and which afterwards most effectually proved so, he was sent to and threatened with the loss of all his employments in the army, because that scheme was brought in and supported by a minister: He had, 'tis true, virtue to withstand those threats; but it cannot be supposed that every man has the same virtue; and what he has now told us is an evident demonstration, that this pretended prerogative of removing officers at pleasure, may by a minister be made use of to obtain the approbation of parliament to the most destructive schemes he can invent.

We know that the late king William was once applied to by some of his ministers, to remove an officer of his army, because of a vote he had given in this House: but that prince, like a great and a wise King, answered, 'I suppose the gentleman voted according to what appeared just and right to him at that time; I know him to be a brave and a good officer, and one who has always done his duty in his military capacity; I have nothing to do with his behaviour in parliament, and therefore I will not remove him from his command in the army.' His late Majesty was so sensible of the necessity of what is now proposed, that he approved of a bill of this

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very nature; the bill was actually drawn up, and was to have been brought into the other House by the late earl Stanhope: this I know to be true, I do not know how it was prevented, but I know that his late Majesty cheerfully gave his consent for the bringing it into parliament.

The honourable gentleman who spoke last said, that those gentlemen who are for the present question used the officers ill, but I leave it to the impartial world, I leave it to the officers themselves, to judge which side uses them worst: those who say they ought to be secured against the resentment of a tyrannical minister, or those who tell us, You are to expect no justice from officers sitting in a court martial, notwithstanding their being sworn to do the same justice, and to try with the same impartiality, that judges and juries ought, and are supposed to do: you are not to trust to officers, they will certainly combine together, and destroy your constitution; there is nothing can keep them honest or faithful to their country, but keeping them in a slavish dependence upon the crown. Has not this been the whole language of those who have hitherto opposed this question? And I do not doubt but the officers of the army will judge of the argument as they ought to do. I have spoke much earlier in this debate than I intended, and I must say, that I had but very little room from any thing that has been said against the proposition, to have taken up so much of your time; but I find some gentlemen do not incline to speak to the question; however if they do not, if no better reasons be given against it than what have been already given, I am persuaded the fate of the question must be very different from what they expect.

Mr. *Henry Pelham* spoke next as follows:

Sir; I have attended closely to what has been said both for and against the proposition now before us, and I think the debate is now reduced to this single point, whether by what is now proposed, our constitution may be mended and made better, or whether it may not rather tend to hurt and injure our constitution? the latter is my opinion, and I am convinced it appears in the same light to every one of the gentlemen, who before me have spoken against the motion. I do not approve of hard names, or any names that are indecent to this or any other proposition made in this House; but as those liberties have often been taken, by the gentlemen who now find fault with what has been said, it may be supposed that other gentlemen think they have the same liberty, and may retort those names, when they think the proposition deserves them; however upon all such occasions, at least upon the present, nothing is meant personally against any of the gentlemen who have spoken in favour of the proposition. Gentlemen have said, that the prerogative is a growing part of our constitution; but I cannot really see wherein the prerogative of the crown is greater now, than at any time since the revolution; nor can I see what should give this alarm, or what should make it necessary now to clip and pare the prerogative of the crown, unless gentlemen have some scheme for greatly, or perhaps totally altering our constitution; and if they have, I am sure they can shew us no manner of reason for our attempting at present to make any such dangerous experiment. Suppose his Majesty has thought fit to remove one or two gentlemen from their employments in the army, can that be looked on, as a sufficient reason for taking from his Majesty that power he and his predecessors have always enjoyed? The very attempting such a thing looks as if gentlemen thought some very wrong and wicked use has been lately made of that part of the prerogative, which, in the present case, they have not the least ground for. The worth and honour of the two noble persons who have been removed, must be acknowledged by all; but, worthy as they are, it must certainly be granted, that they have been succeeded by two gentlemen of equal worth; and sure this cannot be called garbling, or modelling the army; for the army can never be said to be garbled or modelled, but when the most worthy and honourable are dismissed, and creatures of mean birth, or of no worth, put into their places. It is true, there were a great many officers removed at the time that the duke of Marlborough was removed, and without the power of removing the inferior officers, they had not perhaps ventured to have removed that great general from his command. Such a law, as now proposed, might have been of some service at that time, but it would have been of bad consequence soon after We know what were thought to be the views and designs, when the duke of Marlborough was removed; we know, that he was succeeded by a person, whom I did indeed esteem for his per-

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sonal qualifications, but his political views had, at that time, very near ruined our constitution, and have since upon some occasions greatly endangered it; and if none of the officers of the army, who were upon that occasion put in or continued in commission, could have been removed but by the sentence of a court-martial, I doubt much, if this House had been now sitting to give their opinion upon this or any other question.

An honourable gentleman on the floor, who spoke some time ago, happened to drop some expressions, which I am sure were owing to his warmth; he spoke of foreign officers, and insinuated as if they might happen to be put into the places of those, who may hereafter be removed. Every gentleman surely knows, that this would be directly contrary to law; and no man can say, that there has been any thing done or attempted, that can give the least ground for apprehending any such thing in time to come: It was indeed an indecent and an ugly insinuation; I wish the gentleman had spared it; but as I am convinced that it was entirely owing to warmth, I shall take no farther notice of it. I did really think it unnecessary to have given you any trouble in this debate, since other gentlemen before me have given sufficient reasons for not agreeing to this motion, and have answered every thing said in favour of it; but the honourable gentleman, who spoke last, seemed so mighty desirous, that gentlemen would speak against what he and his friends seem to be for, that I rose up rather to gratify him, than that I thought any thing necessary to be added to what had before been said against this proposition; and therefore I shall take up no more of your time, but leave the proposition to stand or fall by its own merits.

Sir *William Wyndham* stood up and said:

Sir; The gentlemen, who have been pleased to speak against this proposition, have all of them asserted, that, should it take place, it would alter the very being of our constitution; from whence we must conclude, that these gentlemen think, that the very being of our constitution consists, not only in having a standing-army, but it consists also in having that army absolutely and entirely dependent on the crown; which is an opinion so directly contrary to that which every man ought to have about our constitution, that I am sorry to hear of its being entertained by any gentleman, who has the honour of being a member of this House. I wish those gentlemen would consider a little better the nature and the being of our constitution, and the many alterations that have from time to time crept into it; if they do they will find no greater novelty, nor can they find one more dangerous, than that of a standing army. It is not as yet, I hope, a part of our constitution, and therefore, what is now proposed cannot be an alteration of our constitution; it is indeed so far otherwise, that the very design of it is to prevent our constitution's being altered, by a standing army's being hereafter made a part of it; or at least to make that army less dangerous, in case it should become absolutely necessary for us always to keep up a standing army. We have likewise been told, that the prerogative is a part of our constitution, and the lessening the power of the crown, or robbing the crown of its prerogative, as gentlemen have been pleased to call it, is an alteration of our constitution. For my own part, I have no notion of any legal power or prerogative, but what is for the benefit of the community; nor do I think, that any power can be legal, but what is originally derived from the community; and it is certain, that all the power that is, or can be given by the people, must be given for their own protection and defence; Therefore, if the people should afterwards find that they have given too much, if they should begin to foresee, that the power they have given may come to be of dangerous consequence to themselves; have not they reason, have not they a right, to take back what part of it they think necessary for their own safety? This is the proper footing, upon which the present debate ought to be put; and taking it upon this footing, suppose, that this power of removing the officers of the army were a part of the ancient prerogative of the crown; if the parliament should foresee, that this power might be made a bad use of; that it might easily be turned towards enslaving the people, would not the people have a right to take it from the crown? would it not be their duty to do so? nay, ought not the crown willingly and freely to give it up?

Gentlemen have next endeavoured to frighten us with the effects of this proposition, should it be passed into a law: They say we should soon see what such an independence in the army would turn

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to: but, for God's sake, is not the army to be still as much dependent upon king and parliament, as ever they were before? If it should be but suspected, that any officer, or any number of officers were going to attempt any thing against king and parliament, could not the king immediately suspend them, or even put them under arrest? and could not the parliament, as soon as they met, address his Majesty to remove them? Upon this occasion, I shall beg leave to state the difference of the two cases: In the one case, an army entirely dependent on the crown, so much at the mercy of the crown, that, let the merit of those gentlemen in their military capacity be never so great; let their fidelity to their king and country be never so conspicuous; let their past services be never so meritorious; yet, if they do not implicitly obey all the orders they shall receive from the crown, or rather from the favourite minister of the crown; if they do not submit to propagate the most slavish schemes of a projecting minister, they may probably be turned out of their employments in the army; and thus, after having wore out their youth and vigour in the service of their country, they may at last, and in their old age, be turned adrift, and reduced to a starving condition. In the other case, an army under no such servile dependence, having no reason to doubt of preferment according to their merit, and certain they could not be turned out of the places they have purchased by their long services, without being guilty of some crime, or of dishonourable behaviour; and having the constitution, and the laws of their country, as a security for their enjoying all those advantages as long as they live; is it not an easy matter to determine, in which of these cases an army may be of most danger, or of most service, to the constitution of this country.

I will allow all that has been said about the virtue of those, who are at present the officers of our army; about their being Englishmen, and every thing else, that has been said, or can be said, in favour of the characters of those gentlemen; but still they are men, and every body knows, that those who have a dependence, perhaps for the whole they have in the world, must be something more than men, if they act with the same freedom, that they would do if they were under no such influence or dependence: it is certain; I hope the gentlemen of the other side of the question, even those gentlemen who now stand up so zealously for the prerogative, will grant, that ours is a limited monarchy: our constitution depends upon its not being in the power of the crown, to break through those limits which are prescribed by law, or to manage so as to render them quite ineffectual; for when either of these comes to be the case, our constitution will be at an end; the monarchy can no longer be said to be limited, any more than a man can be said to be under any restraint, who, though locked up in a room, has the keys in his pocket, and may open the doors when he pleases, or has proper materials at hand, and may break the doors open, and walk out whenever he has a mind. We are therefore never to give a power to the crown; we ought not to leave the crown in the possession of a power, which may enable any future king to shake off all those limitations, which the royal power ought by our constitution to be subject to: and in this view I leave it to every gentleman to consider, whether a standing army, under the present circumstances, or under the regulations now proposed, does portend most danger to our constitution? For my own part, I think the case so plain, I think the dangers pretended, from what is now proposed, so chimerical, that I am surprised to hear the motion opposed by any gentleman, who pretends to have the liberties, or the happiness of his country truly at heart.

But in particular, I must at present observe, that if no notice should be taken of what has lately happened; if no such provision, as is intended by the Bill now moved for, should be made, and we should enter into a war, as is now likely we may be obliged to do, what encouragement can young gentlemen of noble and ancient families have to go into the army; when they consider, that after having often ventured their lives in the service of their country, after having honourably acquired some preferment in the army, and afterwards, by a natural and family-interest, are come to have seats in Parliament, they must then be obliged to forfeit all those preferments they have so honourably acquired, or otherwise to make themselves prostitutes to an infamous and wicked administration? After this melancholy consideration, can it be presumed, that any gentleman of honour will engage with that alacrity in the army, as he would do, if he were assured of preserving and enjoying whatever posts he may have in the army,

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with the same honour and integrity, with which he acquired them? This makes it more particularly necessary at present to agree to the proposition now made to us; and as I think it makes no encroachment upon our constitution, but is, upon the contrary, a very necessary amendment; as I think it for the honour of Parliament, and no way inconsistent with the honour or safety of the crown, I shall therefore most heartily agree to it.

Sir *William Yonge* spoke next:

Sir; It is said, I remember, in a printed paper which I read lately, that the Revolution had not brought our Constitution to that perfection which it ought to have done; but that some amendments were still wanting, and seemed to be absolutely necessary. I was indeed at some loss to think what the amendments could possibly be, which those reforming geniuses pointed at, but now the secret is in some part out; for the proposition now in debate I verily believe to be one of those necessary amendments they thought of; but the gentlemen, who have spoke before me, have sufficiently proved, that this amendment would be so far from improving our constitution, or rendering it more secure, that it would in a great measure entirely destroy it: and if the other amendments, their wisdoms have projected, be of the same nature with this, I am afraid the people of England will not think themselves much obliged to them, for projecting such amendments. We know, that the people of this nation have generally been divided into parties; and that party which I have always been proud to reckon myself one of, has generally, though very wrongfully, been called the republican party; but if I, or any other gentleman in this House, who has the honour of being reputed a Whig, should come into this proposition, we should justly deserve that name, which those of another party have always given us by way of reproach; for it is certain, that, if this proposition should take place, our chief magistrate could not properly be called a king; he would not have so much power left him, as the stadtholder of the republic of Holland has always enjoyed. The honourable gentleman, who spoke last, insisted much upon the danger of an army depending upon the crown, and talked of turning officers adrift, and reducing them to a starving condition; but let us consult our histories, and see whether an army depending upon the crown, or one depending upon the Parliament, has done most harm to our Constitution: we shall there see, that an army of the latter kind was so far from improving, or doing good to our Constitution, that they very quickly overturned it; they soon brought the King from the throne to the scaffold; they turned both Lords and Commons out of doors, and then set up a most arbitrary government of their own: whereas an army of the first kind has often preserved the Constitution; an army much more dependent upon the crown, than our army is at present, was, we know, so far from supporting the crown in attempts against the liberties of the people, that most of the army joined with the people in vindicating their liberties, even against a king upon whom they had a most absolute dependence; and while our army consists only of our own countrymen, and is commanded by gentlemen of good families and fortunes in the kingdom, we may always expect from them the same honourable behaviour. As for turning officers adrift, and reducing them to a starving condition, it is certain that no such thing can ever happen to any officer that is a member of this House, let him vote or behave in this House in whatever manner he will; for his very qualification, the estate he must have in his own right and possession, in order to qualify him for having a seat in Parliament, will always be sufficient to afford him a comfortable subsistence; so that if he has any honour or regard to his country, the fear of being turned out of his post in the army can never prevail upon him to give a vote in this House contrary to what he thinks right. And if we can suppose that any officer, who is now, or ever may be in this House, has neither honour nor regard to his country, with such a man the hopes of preferment will work as effectually, as the fear of extreme necessity can be supposed to work with any man of common honour; but as no such thing can, in my opinion, be supposed, we have no occasion to give ourselves any trouble, much less to run ourselves into evident dangers, in order to provide against it. In short, I see no necessity for our making such an alteration in our constitution; I can see no cause for our making such an attack upon the prerogative; it may be productive of great mischiefs, but cannot produce any good. And as for using the officers ill, the gentlemen of the army, who are now in the House, are themselves the best judges by which side of the question they are worst

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used; and their way of voting upon this question will be the best proof of their judgment in that particular: as for my own part, I really think the proposition so unreasonable, and so inconsistent with the principles, even of those gentlemen who support it, that I did not at first believe it could have bore so long a debate.

Sir Thomas Saunderson spoke next for the motion; lord Glenorchy against it; sir John Barnard for it; col. Mordaunt and Mr. Duncan Forbes against it: Then

Sir *Robert Walpole* spoke against the motion as follows:

Sir; When I first heard that such a motion, as what is now before us, was to be made to this House, I considered with myself, what it was that had given occasion for gentlemen's thinking of making such an innovation in our constitution, what view or design they had, and what form of government they aimed at; as to all which particulars I found myself entirely at a loss. We have heard of monarchies, aristocracies, democracies, of oligarchies and anarchies; but should this proposition take place, I am persuaded, the government of this country would soon become what may be called a stratocracy, an army-government, which is a sort of government was never yet established in any country; and such a government as, I believe, no man in this nation would be fond of: I shall not run out in compliments to the gentlemen of the army, but I hope those gentlemen will not take it amiss, if I say, that I do not desire to give up our present form of government, in order to come under their government.

As for trials by martial law, I believe no gentleman will dispute, but that they have hitherto been very just and impartial; but if the officers should be once made independent of all other power, we do not know what those trials might turn to: I neither can, nor shall say any thing to reflect upon the gentlemen who are judges in such trials, but we must all allow, that the nature of mankind is such, that every one has an attachment to, and a bias in favour of those he looks on to be of the same body with himself, merchants, lawyers, even the meanest sort of tradesmen shew a partiality in favour of one another; and why we should look upon the officers of the army to be less liable to those natural partialities than any other set of men, I cannot really see any reason for; therefore I am apt to believe, that if this proposition should be once passed into a law, it would not be possible to remove any officer from his commission by the sentence of a court-martial, as long as he preserved a character and an interest in the army, which of course would encourage them in the boldest attempts, against the constitution and the government of their country.

Gentlemen have told us, that generals are still to be removeable by the King at pleasure, and that all other officers are still to be removeable by his Majesty and the parliament; but I believe it will be granted, that though the King should most evidently see a very just cause for removing a general officer, he might not find it safe to do so, with out removing at the same time a great number of inferior officers, whom he knew to be dependents upon that general, and perhaps associated with him in the same wicked designs: and if officers were made secure of their commissions for life, it would add so much weight to their interest through the whole kingdom, that they might soon get such an influence in both Houses of Parliament, as would make it impossible to procure an address from either House, for the removal of any of them; besides, the very calling of the parliament together, which cannot be done suddenly, would give the alarm to those officers who might be engaged in a conspiracy for seizing the government into their own hands, whereby they would have an opportunity of carrying their designs into execution, before the government could by any means prevent them.

Thus we should be in continual danger of falling entirely under the government of our army, and I am sure there is nothing has of late happened, that can give occasion for our running ourselves into any such danger. What though his Majesty has lately thought fit to remove two gentlemen from their commands in the army: can the removing of two gentlemen only, in a course of so many years, be called modelling or garbling the army? Can it be said, that the gentlemen who have succeeded them,* are not men of as good families, of as great estates, and of as untainted characters, as any gentlemen in the kingdom? Surely, this cannot be called garbling, which, as has been already said, must imply the removal of the most worthy, and putting the most unwor-

* The duke of Argyle and the earl of Pembroke.

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thy into their places; and this, I am convinced, the angriest man in this House will not pretend to be the case at present.

It is certain, there never were any removals made, but what occasioned various speculations, when the reasons why they were made were not publicly known; in such cases, every man who is ignorant of the true reason, is apt to assign some reasons of his own invention; but of all the removals that I have ever heard of, whatever talk they might occasion without doors, there never was any of them that occasioned any proposition or motion in this House; no pretence was ever taken from any such, to rob the crown of its prerogative, or to alter our constitution in any part. Even when the great duke of Marlborough was removed, there was no such proposition as this ever thought on: the removal of that great man I remember well; and I remember too the arts, that were used by his enemies, first, to procure, and then to justify his removal. What gentlemen would do by the bill now proposed, was the very crime pretended to be laid to his charge: it was pretended, that he was contriving how to get himself made general for life: that he was become too great for his mistress; and had thrown off all dependence on the crown: that he aimed at being made perpetual dictator; and to give some sort of colour for the spreading of this calumny, I remember, that a certain zealous gentleman of those days,* sent a large present to Mr. Booth, and told him, it was for the part he acted in the tragedy of Cato, against the perpetual dictator. This shews, that it was then looked on as a great crime for an officer to endeavour to be independent of the crown; and why it should now appear in a light so different, as to make people think it necessary to make a law for that very purpose, I cannot imagine.

We know that great endeavours have been of late used, to make it be believed abroad, that this is a divided nation, that the people are disaffected: hitherto all such endeavours have had but very little effect; but if this proposition should pass into a law, will not foreigners have reason to believe what they have heard? They cannot imagine, that the removing two colonels of regiments, could have produced such a law, but will naturally say, what we have heard we see now to be true, the parliament has no confidence in the king, and therefore they have taken from him that power which all his predecessors enjoyed. Is this, Sir, an opinion which we ought at any time to encourage or promote among our neighbours abroad, but especially at present, when a just opinion of the unanimity and strength of this nation may be so necessary for preserving a just balance of power in Europe, and consequently, the very being of this nation. In short, the regulation now proposed can produce no good, it may produce a multitude of mischiefs, and therefore I think we should all say, upon this occasion, 'Nolumus Leges Angliæ mutari.'

Lord *Catherlogh* spoke next:

Sir; I cannot but say, that the officers of the army are very much obliged to the gentlemen, who are for agreeing to the proposition now before you: but I look upon it is as a certain maxim, that no man can be a proper judge in his own cause, and as I have in the honour to be in the army, I look upon myself as a party concerned, and therefore I think can neither in honour nor conscience offer to give my vote upon the question.

Then the question was put upon the motion, and carried in the negative, without a division.*

Debate in the Commons on Mr. Sandys's Motion for an Address to the King, to know who advised his Majesty to remove the Duke of Bolton and Lord Cobham from their Regiments.] After this,

Mr. *Sandys* stood up and spoke as follows:

Sir; What gave rise to the proposition last before you, I believe most gentlemen in this House may easily guess; it was often mentioned in the last debate: and as

* Lord Bolingbroke.

* "Had not the fact been so notorious, the understanding reader, perhaps, would have some difficulty in believing, that gentlemen of great abilities, properties, and knowledge of the constitution, could have been so earnest in a question which, had it past, they themselves must have been the first to move for repealing it; or that they who gloried in the character of being jealous of military power, should endeavour to render the army independent both of King and Parliament. But to say the truth, the party neither expected nor desired to succeed in the motion. All they intended was to have an opportunity of saying severe things against the minister, and to introduce another motion, which was more directly levelled against his power." Tindal.

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in the course of that debate, no gentleman pretended to justify what has lately happened, I have a question in my hand which I hope will meet with no opposition, and therefore, I shall take the liberty to move, "That an humble Address be presented to his Majesty, humbly to desire his Majesty, that he will be graciously pleased to inform this House, by whose advise it was that his Majesty was pleased to discharge his grace, Charles duke of Bolton, and the right honourable Richard, lord viscount Cobham, from the Regiments lately under their several commands, and what crimes were alledged against them, which were the occasion thereof."

Mr. *Pulteney* seconded the motion thus:

Sir; I stand up, to second the motion made by my worthy friend, which, I hope will meet with much better success than the last motion we had before us: the last, indeed, was called, by some gentlemen, an attack upon the prerogative, an affront to the crown, and a great many other hard names, which I thought it very little deserved; but I am sure there cannot be the least colour of reason for making such objections, or for giving such names to the motion now made to you: on the contrary it is shewing a great tenderness and a most dutiful respect to his Majesty; the removal of those two noble lords from their commands in the army, was what no gentleman in the late debate so much as endeavoured to excuse; most seemed rather to condemn, and all the world without doors had, we know, before condemned it. Since then the removal of those two noble lords is looked on to be a wrong step, and since his Majesty cannot by law be supposed to do any wrong, we ought therefore, in duty to the crown, to present such an Address as is now proposed to us, that his Majesty may be freed from the suspicion of doing any thing that is wrong; that the wicked person who advised it may be pointed out to the world, and that the reproach of such a measure may fall where it ought.—If ever it should happen to be the case of this nation, that a minister grown insolent in power, should dare to tell his master, if you do not dismiss such a man, or such another, I must abandon you, I can no longer support your government; and by such language should prevail on him to dismiss some of his most faithful servants, only because they had honourably opposed some wicked attempt upon the liberties of their country; I say if ever any one minister, who solely engrossed the ear of his master, should arrive at such an insolence in power, the king would no longer be the first man, he would be the first slave in the nation; and in such a case would it not be the duty of parliament? Would not they be bound in duty both to their country and king, to desire to know who it was that advised such measures? And what were the reasons for taking such? This is not, I hope, the case at present, but as the removing of those two noble lords has been condemned by the whole nation, it is sufficient for justifying us in the application now proposed: let us know who gave the advice; it was a wicked one, and the wickedness of it will be still more apparent, if it shall appear, that those who gave it dare not avow their reasons for giving it.

No member rising up to oppose this motion, but the question being called,

Sir *William Wyndham* stood up, and spoke as follows:

Sir; Whether or no there are any gentlemen in the House against the question, cannot, as yet, be determined; but if there are, I was in hopes they would have stood up, and have given the House some satisfaction as to their reasons for being against a question, which seems to be highly approved of by several gentlemen in this House. What the cause of their silence may be, I shall not pretend to guess, but it seems we are to have no other satisfaction from them, but only a call for the question.—In my opinion, the affair now before us deserves a much more decent treatment, if it were for no other reason, but because the names of two noble lords are mentioned in the question, both of whom have done great services to their country, but one in particular. As I do not mean to compliment the one, nor to depreciate the services of the other, therefore I say they have both done great services, though in different capacities; but whoever remembers the late war, which was carried on so much to the honour of this nation, must remember how often honourable mention was then made in our Gazettes of sir Richard Temple: in most of the accounts transmitted to us from Flanders, either of battles or sieges, his name generally stood among the foremost in the list of those gallant officers, who bravely ventured their lives in the service of their country. And if we look upon his be-

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haviour in the senate, it is as much to his honour as his service in the field: in the last he has always acted as a good officer and a brave soldier, in the defence of his country; in the first he has always behaved as a faithful subject and a good counsellor to his king; and that such a man should be one of the first to fall a sacrifices to ministerial resentment, is what must give a just alarm to all the honest part of mankind: it is what principally gave rise to this day's debate, and in particular, to the motion now before you, which I very much approve of, and if no gentleman thinks fit to say any thing against it, I can hardly doubt of its being unanimously agreed to.

Sir William Wyndham having done speaking, the question was again called for, and being put, it was carried in the negative by 252 against 151.

Debate in the Lords on the Duke of Marlborough's Motion for a Bill against Depriving Officers of the Army of their Commissions.] February 13. The Duke of *Marlborough** presented to the House a Bill,† "For the better securing the 'Constitution, by preventing the officers 'of such land-forces, as shall at any time 'be allowed by authority of parliament, 'from being deprived of their Commis-'sions, otherwise than by judgment of a 'Court Martial, to be held for that pur-'pose, or by Address of either House of 'Parliament.' His grace introduced the Bill with a speech, setting forth the necessity of making some such regulations in a country which glories in the name of liberty, and where the people are so happy as to preserve that freedom, after most of their neighbours had lost theirs by the very means, which he proposed to obviate by the bill he then presented to the House.

A motion being made for a second reading of the said Bill, several Lords called for the question: Hereupon

* He became duke of Marlborough by the death of Henrietta duchess of Marlborough, in right of his mother who was next sister to her grace, and one of the co-heiresses of John late duke of Marlborough; being before earl of Sunderland.

† The following is a copy of the Bill:

"Whereas no Standing-Army can, in time of peace, be raised, or kept up within this realm, but by authority of parliament. And whereas the safety and liberties of this nation do (in a great measure) depend upon the experience and virtue of the Officers to whom the command of the Army should be intrusted, whenever any military force shall be judged proper to be raised or kept on foot. Now, to the end that persons of fortune and virtue may be encouraged to expose their lives for the safety and liberties of their country, and not be subject, by secret and malicious representations, to be cashiered or removed from their respective posts in the Army, without any charge or pretence of neglect or breach of duty, or without any examination or trial whatsoever: May it please your most excellent Majesty, That it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, That from and after the day of no captain of any of his Majesty's troops of guards, or any commission-officer under them, nor any colonel, lieutenant-colonel, or major of a regiment, or captain, lieutenant, cornet, or ensign of any troop or company, belonging to any regiment, or of any independent troop or company, or any officer under them, having his commission from the crown, shall be cashiered or removed (other than to an higher post) or discharged from his commission, or be deprived of the pay belonging to the same, in any other manner than is hereafter prescribed, any usage to the contrary notwithstanding.

"And be it further enacted by the authority aforesaid, That if any of the officers before named shall be guilty of any breach of duty, or otherwise misbehave themselves in the said offices, That then it shall and may be lawful for his Majesty, his heirs and successors, to grant a commission under his or their sign manual, to any officer, not under the degree of a field-officer, to try such person by a court-martial, in such manner and form, and subject to such rules, regulations and methods of trial, as have been usually observed in courts martial, for trying persons for neglect of duty, or other misbehaviour in the army, and to cashier, remove, or discharge any officer whatsoever, if such court-martial shall adjudge the same, any thing herein contained to the contrary notwithstanding.

"Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent his Majesty, his heirs or successors, from disbanding, breaking, or reducing all, or any of the regiments, troops, or companies now in being, or which shall or may be raised hereafter, whenever his Majesty, his heirs or successors shall think fit to disband or reduce the same.

"Provided also, That it shall and may be lawful for his Majesty, his heirs and successors, to cashier or remove any officer whatsoever, upon an address from either House of Parliament for that purpose."

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The Earl of *Chesterfield* stood up, and spoke as follows:

My Lords; As there seems to be some of your lordships against the second reading of this Bill, I am surprised to hear the question so much insisted on, before any lord who seems to be against a second reading has stood up to give any one reason for his being so. If any motion is made, if any bill is presented to this House, were it an affair of no consequence, yet it is a respect due to the noble lord who makes the motion, or presents the Bill, not to put a negative upon it without giving some reasons for so doing; but in the present case it cannot be pretended, but that the bill now presented to us is an affair of the utmost consequence; the bill offered to us, is, in my opinion, not only a good, but a necessary bill, and the noble duke has given us so strong reasons for its passing, that I hope your lordships will not so much as endeavour to put a negative upon it, without first giving some sort of a reason for what you are about to do.—Such a method of proceeding, my lords, is beneath the dignity of this House, it will really look as if something else than reason and argument prevailed in this House: and if a second reading of a Bill of such consequence be in such a manner refused, I am sure the world will conclude, that no good reason could be given for so doing, which, of course, must bring this House into the utmost contempt, in the opinion of the generality of the nation: This is a consequence that, I am convinced, every one of your lordships must think yourselves concerned in, and therefore I hope that some of those lords who are to give their negative to the second reading of this Bill, will stand up and give us their reasons for being of that opinion: at present my opinion happens to be different from theirs, but I now declare to them, that if sufficient answers are not made to every objection they shall start against the second reading, I shall most readily quit the opinion I am now of, and join with them in putting a negative upon the bill.

Lord *Hervey* said:

My Lords; I am one of those, and I believe there are a great many more, who are against the second reading of this bill. I did not, 'tis true, rise up immediately after the motion was made, to give my reasons for being against a second reading, because I thought the bill was of a nature so very extraordinary, and the objections to it so strong and so evident, that I thought it unnecessary for me or any other lord in this House, to give himself or the House the trouble of explaining them: But since the noble lord, who spoke last, insists so much upon it, in order to satisfy him, I shall give some of those reasons which prevail with me to be against a second reading of the bill now before us; and if either that noble lord, or any other, can give sufficient answers to those reasons, I shall most readily join with those noble lords who are for reading this Bill a second time.

With me, my lords, one of the principal objections against the bill is, that I look upon it as an open and a direct attack upon the prerogative of the crown. It is an attack upon a prerogative which his Majesty and his ancestors have enjoyed ever since our monarchy had a being; and we all know how nearly connected the privileges of this House are with the prerogatives of the crown; we know, my lords, that the last open and direct attack that was made upon the prerogatives of the crown, ended in the total subversion of our monarchy, and an entire dissolution of this House; and therefore I cannot but be surprised to see a bill of this nature brought first into this House: If such a bill had passed the other House, and had been sent up to us from thence, I do not doubt but that every one of your lordships would have easily seen through the design; you would have seen the snare that was laid against the monarchical establishment of our government, upon which the privileges of every lord in the nation absolutely depend; this would have given your lordships a just alarm; and this, I doubt not, would have made you receive such a bill in the manner it deserved.

I have often heard, my Lords, of a compact between the king and the people, and a compact upon which, it is said, our constitution and government depend; if there be any such, the nature of it must certainly be mutual. On the one part our kings are obliged not to usurp or encroach upon the liberties and privileges of the people; but surely there must be a counter-part, and by that there must be an obligation upon the people not to usurp or encroach upon the powers and prerogatives of the crown; for it would be a very unjust compact, if on the one hand, the King was most strictly tied down, and on the other hand, the people left at full liberty to encroach

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as often, and as far as they pleased upon the prerogatives of the crown. This cannot be the case; the compact must be mutual; and as his present Majesty has never once attempted, nor desires, in the least, to encroach upon the liberties or the privileges of the people, it would be very unjust and unfair in us to make any encroachment upon him: Nay, it would be most unwise, and might be attended with the most fatal consequences; for a breach of covenant upon one side would dissolve all the covenants on the other, which would at once unhinge the whole of our constitution.

It has been always thought necessary, my lords, to give our kings the sole power, of naming, preferring, and removing, at pleasure, the officers of our armies, in order to give our kings that power and influence over our armies, which is absolutely necessary for supporting and promoting a proper military discipline among them, without which they would be of no use against a foreign enemy, and might soon become most oppressive to the people, for whose safety they were raised and maintained. This power was thought so necessary at the time of the revolution, and it was then thought to be of so little danger to the freedom of our constitution, that at that time, when the liberties of the people were fully considered, when every thing was removed that could be of dangerous consequence to them, there was not the least mention made of taking this power from the crown, or even of laying it under any restraints, and I do not know any thing that has happened, which can give us the least ground for being of an opinion different from that which was the opinion of our ancestors at that time.

The happiness of our constitution, my Lords, depends upon that equal division of power, which is established among the three branches of our legislature: The executive power, and the defending of the people against their enemies is now, and always has been, entrusted solely with our King; and as long as the execution of the laws, or the defence of the people against their enemies, foreign or domestic, is entrusted with the King, it must always be absolutely necessary to give our kings proper powers for those purposes; the supreme and ultimate determination of all disputes about property is lodged solely in this House; and the raising of money for the public use, or laying taxes upon the people, is what now seems to be principally the province of the other House. Thus the three branches of our legislature are a check upon one another, which prevents its being in the power of any one of them to oppress the people, or to destroy the other two. Under this establishment we have been happy for many ages, under this the nation has grown up to a very high pitch of riches and power, and while this establishment continues, it is more than probable, we shall always be happy.

But, my Lords, by the bill now before us we are to establish a fourth power, a new sort of power, which, I am persuaded, would soon become independent of the other three. This is making a most considerable alteration in our constitution: an alteration that may be attended with such fatal consequences, that it makes me tremble to think of it: To establish a general for life at the head of a well-disciplined army, commanded by officers who could not be removed, but by the consent of one another, would soon put it in the power of that general, to make himself master both of king and parliament: The transition from Dux to Rex would soon become easy for him; by this the constitution might be entirely overthrown, and the nation might be involved in a multitude of calamities.

It is true, my Lords, that by what is proposed in the bill now before us, an officer may still be removed from his command in the army, upon an address from either House of Parliament; but as the Parliament cannot be kept always sitting, this address could not often be speedily obtained; and if an officer should be discovered to be conspiring the overthrow of the government, and should, notwithstanding, be continued in his commission, and in the possession of that power in the army which he had, by virtue of his commission, 'till the next session of parliament, both Houses might, perhaps, address for turning him out; but his power in the army might by that time be so well established, that it would be out of the power of both king and parliament to divest him of his command; and as for a trial by a court-martial, I believe, it would not be so much as pretended, that a sentence could be got against such an officer, or indeed against any officer, who had a great influence in the army: It is not to be presumed, that officers would be ready to condemn one another, unless it was for a crime which they themselves could no way approve of, especially when they knew

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that they could not be removed by any other authority.

Since then, my Lords, I can see no manner of occasion for the regulation now proposed, since I am of opinion, that it would be a great injury done to his Majesty, that it would tend to destroy all military discipline in the army, and would greatly endanger, if not totally subvert our happy constitution, I cannot therefore agree to the giving it a second reading.

The earl of Orrery spoke next for the question, the earl of Cholmondeley spoke against it, the marquis of Tweedale for it, and then

The Duke of *Newcastle* stood up, and spoke as follows:

My Lords; As I shall certainly give my vote against the second reading of this Bill, I must beg leave to give some of my reasons for so doing. I must be of opinion, my lords, that it will always be proper to leave in his Majesty a power of removing the officers of the army at pleasure in order to preserve that respect and obedience which is due from them to their king; but I am the more firmly of this opinion, when I consider, that there is at present a Pretender to the crown of these realms; for while there is such a misfortune hanging over us, we may conclude, that there always will be plots and contrivances in this kingdom against the person in possession of the throne; and while there is a Pretender, he may have, without all doubt, his agents in the army, as well as he has every where else: Under such circumstances it is not to be doubted, but that some of the officers may, at some time or other, be drawn away from their duty to their king and country, some of them may happen to be misled, and drawn into engagements against his Majesty's person and government; and while his Majesty is in such danger, shall we put it out of his power to remove those officers from their commands in the army, though he has certain information of their being in a plot to overthrow his government, perhaps even to take away his life?

This, my Lords, his Majesty may have most certain information of, the officers concerned in such engagements may be made known to him, beyond all doubt or contradiction, and yet the proofs may be such as would not prevail upon a court-martial to condemn their brother-officer to death, or even to be broke; or they may be such as could not properly, at least, at that time, be laid before a court-martial; because if they were laid before any such court, the informers, and all the other methods by which the plot was at first discovered, and the whole progress of it traced, must then become publicly known, by which all further discovery would be effectually prevented; and if the Bill now presented should pass into a law, his Majesty would be under a necessity of laying all these proofs immediately before a court-martial, or of allowing such treacherous officers, perhaps, even one of his chief generals, to continue in command, by which they might probably be enabled to render their conspiracies successful; for which reason I hope, that none of your lordships will approve of this Bill, when you consider how dangerous it may prove to be for our present happy establishment, and how much it may weaken the hands of the government against any attempts that may hereafter be made in favour of the Pretender.

Besides this, my Lords, there are many other cases which might be mentioned, wherein his Majesty might have very good reason to remove an officer, though it would not be at all proper to make that reason so public as to lay it before a court-martial: There are likewise many little crimes which an officer may be guilty of, and for which he might highly deserve to be removed, and yet these crimes may be such as could not well come under the cognisance of a court-martial; at least it would not be possible to obtain a sentence of a court-martial for the removing of such an officer; for when gentlemen sit in judgment upon a brother officer, in order to determine whether he ought to be broke or not, it is to be supposed that they will not pass judgment against him, unless some very enormous crimes be fully proved before them; which would make it impossible to keep up that strict discipline and regular subordination, that must be observed in all regular armies, or indeed in any army fit for service, or that may be depended on for the defence of a country.

I must indeed, say, my Lords, that if any attempts had ever been made towards modelling the army, and making it fit for any bad purpose, there might then have been some occasion for proposing such a Bill as this now before us; but as no such attempts have ever been made, as no such attempts can be so much as apprehended from his present Majesty, I am therefore surprised to hear such a Bill so much as

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proposed in this House, at present. I am sure the passing of such a Bill, at present, would be a subjecting of the nation to many great and certain dangers and inconveniences, for the sake of avoiding an inconvenience that has never been felt by any but in imagination, and for this reason I must be against giving the Bill a second reading.

The Earl of *Chesterfield* spoke next:

My Lords; I have before declared, that my opinion was for reading this Bill a second time; I likewise said, I would alter my opinion, if any lord could give me a sufficient reason for so doing; but, from what has fell from the noble lords who have spoke against the second reading, I am so far from altering my opinion, that I now think a second reading of the Bill is absolutely necessary, even before we can enter into any debate upon the merits of it; for all the arguments that have been made use of against a second reading, all the objections hitherto made to the Bill, are founded upon suppositions which are directly contrary to the contents of the Bill.

It has been said, that the bill is a direct attack upon the prerogative of the crown, and that it is designed for destroying, or at least diminishing, the power of the crown; but my lords, if what is proposed in the bill be duly considered, it will appear to be neither an attack upon the prerogative, nor so much as a diminution of the power of the crown: there is no power to be taken from the crown, but that power which the crown ought never to make use of: It is certain, that the crown ought never to take an officer's commission from him, but from some very sufficient reason, and upon a full proof of the facts alledged against him; and therefore all that ii proposed by this Bill, is only a method, by which the crown may get such an information as to the facts alledged, as may be depended on; whereby the crown may be secured against impositions, and the officers against private misrepresentations, and false accusations: It is, my Lords to prevent the king's being maliciously led into the doing a piece of the highest injustice to a faithful soldier, and to prevent a good and abrave officer from being whispered out of his commission, and reduced to a starving condition for no crime, perhaps for a piece of behaviour for which he ought to be highly rewarded. Can this, my lords, be called a diminution of the power of the crown? is it not plainly and directly grounded upon the fundamental maxim of our constitution which says, That the King of England shall have it in his power to do as much good as he pleases, but shall not have in his power to do wrong.

The objections as to general officers, is likewise, my lords, founded upon a mistake; for if the noble lords had attended to the first reading of the bill, they must have known, that with respect to general officers, the power of the crown is to remain in the very same state it was in before; the regulation proposed by the bill is to extend no higher, than the colonels of regiments; and surely the continuing of the most designing and the most daring men, in the command of a single regiment, for two or three months, after a discovery of his wicked designs, can be of no dangerous consequence; even though the continuing him for that time were by this bill, to be made absolutely necessary; but that is not the case, which leads me to consider another mistake, from which an argument hath been drawn, and much insisted on by some of the noble lords who have spoke against the question.

The Pretender, my Lords, I find, is to be lugged into this question, as he has been into some others, in which he had very little to do, and the danger the nation lies exposed to from him is to be made an argument for our not taking that care of our liberties and constitution which we ought. I hope I am as little suspected of favouring any designs from that quarter, as any lord in this House; if there were the least ground for that argument it would be a most prevailing argument, with me for being not only against the second reading of this bill, but for the rejecting of it with the utmost disdain: but those lords who make use of this argument, seem not to take notice, that the King is still to retain the power of suspending and putting under an arrest any officer, or any number of officers, he pleases, and at whatever time or times he may think proper; and if the least discovery should be made, that any officer, or number of officers were drawn into a plot, in favour of the pretender, or into any other plot against his Majesty's person and government, could not his Majesty immediately suspend all such officers from their commands in the army? could not he immediately lay them all under an arrest? nay could not he immediately throw them all into a common prison, or at least into the hands of messengers, and detain them there, until it

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should be found convenient to bring them to trial before a court martial, or otherwise; or at least till the parliament should be called, in order to have an address from this or the other House for breaking such of them, against whom a legal and full proof could not be obtained? Is it to be doubted, that either this House or the other, or, indeed, both, would refuse to redress his Majesty upon such an occasion? And would not this as effectually disappoint all their plots and contrivances, as if his Majesty had immediately broke every one of those officers who were at first represented to him as being concerned in that plot.

This bill has been represented to us as if it would destroy that influence which his Majesty ought always to have in the army, and annihilate that respect and dependence which the officers ought always to have upon the crown: but this, my lords, seems likewise to be founded upon a mistake, or at least upon an oversight; for, notwithstanding any provision in the bill now before us, the power of naming and preferring the officers of the army is to remain absolute in the crown; and besides there will be many other ways left by which the crown may secure the respect and dependence of all the officers in the army; so that there is nothing in this bill, nor any thing designed by the bill, that can possibly diminish that just and due influence which the crown ought to have in the army. The hopes of preferment alone are sufficient for influencing every officer to do his duty, and to shew that respect which is due both to the crown, and to his superior officers: They may not, indeed, be sufficient for influencing an officer to act contrary to his duty, both as to his King and country, by obeying the private commands of a wicked minister; but this, my lords, and this only, is what is by this bill proposed to be guarded against. All that is proposed is, only that no minister of state shall hereafter have it in his power to tell an officer of the army, in a case that perhaps no way regards military discipline, 'Sir,'——'you shall do so or so,——or starve!'

Thus, my Lords, I think I have shewn that all the material objections against the second reading of this Bill are founded upon mistakes, as to the nature of it, which, in my opinion, is a most convincing argument for giving it at least a second reading. There has indeed one or two other arguments been made use of, which I am greatly surprised at. It has been said, that there are several crimes an officer may be guilty of, which cannot properly be brought before a court-martial; or at least where justice upon the offender could not well be expected from a court-martial: Here indeed I am quite at a loss, for I know of no military crimes but what may properly be brought before a court-martial, and unless it be such crimes as are proper for the cognizance of our spiritual courts, I do not know any other, but where the most severe and impartial justice has always been given by, and may always be expected from a court-martial: I am sure, that if any officer be guilty of cowardice, of neglect of duty, or of any crime, or action, that is in the least dishonourable, the most strict justice may always be expected from a court-martial; nay, so severe have the officers of our army always been, in such cases, upon one another, that for some failings, which the crown has overlooked, which the generals have so far overlooked as not to bring them before a court-martial, yet the officers themselves have taken notice of them, and have refused to roll or to serve with the man who has been guilty of them; and therefore to pretend, that martial discipline could not be kept up in the army, if officers could not be broke or removed but by a court-martial, is an argument founded upon a supposition, which is directly contrary to experience.

The other argument, which surprizes me, is an argument founded upon a new sort of doctrine; a doctrine by which we are taught, that the prerogative is never to be touched in the least; you are never to make any law for regulating the prerogative in any branch; the compact between king and people must be mutual; the people must be as much obliged not to incroach upon the king's prerogative, as he is obliged not to incroach upon their privileges. As to the compacts being mutual, and the parties equally bound, I shall my lords, easily grant; yet that can be no bar to our making as many acts of parliament as we please for regulating, or even restraining the prerogative, because to every such act the king gives his consent, and surely all the persons concerned in a compact may, by their mutual consent make what alterations in it they please: and so the case is; we have, by acts of parliament, made many alterations with regard to the prerogative; and I believe every one of your lordships will grant, that it is to these alterations that we owe

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the liberty we now enjoy. The prerogative has been often restrained and limited, or at least brought back to its primitive institution. Was not the Habeas Corpus Act a most noted, and a most useful limitation of that prerogative which our kings then pretended to? Did not our kings formerly pretend to a power and prerogative of removing the judges at pleasure? but this prerogative was found to be inconsistent with the liberties of the people, and therefore, by the Claim of Right, an alteration was made as to that part of the prerogative. And as to that part of the prerogative now insisted on, it is well known that it has grown up of late ages, for by our primitive institution, the king could not remove the officers of the army: the nobility and the barons of the kingdom were the proper officers, and each of them led out to war, and commanded his own military tenants, so that their commands in the army depended upon their tenures, from neither of which the king could remove them, without their being legally found guilty of a crime; and from the writings of the learned judge Coke, who, I believe, will be allowed to have understood our ancient constitution, we may learn, that of ancient times the freeholders of each county chose their leader in war, as well as they did the sheriffs and other officers for times of peace.* And therefore what is now proposed must appear to be so far from being an attack upon, or a diminution of, the ancient prerogative of the crown, that it does not near bring the prerogative back to its primitive institution.

It has been said, that at the Revolution no such provision was made as is now proposed; very true, my lords; but the reason was, because before that time we never had such a thing as a legal standing army; we had, indeed, a few regular troops, but they never, I believe, amounted to 4,000 men, which could not properly be called an army; so that it was impossible we could think of making any regulation about a thing which was not then in being: and moreover it cannot be said, that at the very time of the Revolution, the liberties of the people were, or, indeed could be, fully considered; it cannot be pretended, that every thing was then removed that might be of dangerous consequence to them, for do not we know, that even since that time some regulations have been made, with respect to the prerogative? even that remarkable regulation of triennial, or, as we have them now, septennial parliaments, was not made till some time after the Revolution; and yet it must be granted, that this was not only a great, but a necessary diminution of the prerogative, in order to secure the liberties of the people: It is not in the power of man, my lords, to foresee all the evils, and all the inconveniences that may afterwards arise, and therefore it is impossible for men to provide proper remedies against them all; we can provide against them only by degrees, and as they happen to come under our observation.

The evil which is proposed to be remedied, or at least prevented, by the Bill now before us, is what has been long under the observation of most gentlemen in the kingdom, and therefore, my lords, I am extremely surprized to hear it said, that no examples have happened which could give occasion for such a bill as the present. Is it not well known, that we have had several examples of officers turned out of their commissions, only for not being submissive to the ministers for the time being? Do not we all know, that in the end of the late queen's reign, there were numbers of gentlemen turned out of their commissions, without any reason, without any crime so much as alledged against them? Do not we know, that, even in the late king's reign, there were a great many brave officers removed, without being guilty of any crime, at least, I am sure, they were not guilty of any military crime, no not so much as of a neglect of duty; they could not even be accused of any want of respect to the crown; the whole, I believe, of what could possibly be laid to their charge was, that they were not, perhaps, so submissive to the prime minister, as he thought he had reason to expect. These removes were, at that time, my lords, so much taken notice of, that it occasioned a very great debate upon the mutiny-bill, both in this and the other House of Parliament: I was then, my lords, in the other House, and I well remember, that it was there strongly insisted on, as an objection against that clause of the bill, by which officers are made judges in cases of life and death, that it was very improper they should be judges in any such case, as long as their commissions entirely depended upon the crown, and might be taken from them whenever a minister had a mind.

And, my lords, though his present Ma-

* Coke's Institutes, Part 2, on the Statute of Westminster, the First, chap. 10.

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jesty's justice and prudence be known to the whole world, yet we find, that even he has been prevailed on, by what means I do not know, to remove two officers, both members of this House, neither of whom, in so far as I can hear, has ever yet been accused of any crime, or of any want of respect to the crown; no not so much as of a neglect of duty. What I am now on is, I know, my lords, a tender point, I am sorry I am obliged to mention it; and I would avoid it, if I did not know my heart to be so warmly affected to his Majesty, that I am sure it will not allow my tongue to say any thing unbecoming of him. If there is any fault, I am sure his Majesty is not to blame: if the two noble lords were removed without a sufficient cause, it could not proceed from any thing that was wrong in his Majesty: it must have proceeded from some misrepresentations, or some private and malicious accusations, which his Majesty has not yet discovered to be false; but when he does, we may depend on it, he will do justice to the two noble lords, who have been injured, and will severely punish those who have been guilty of giving him a false and a malicious information: this, my lords, we may most certainly expect from his Majesty; but this shews, that even out of that regard which we ought to have for the crown, we ought to agree to the bill now before us; because it will, for the future, put it out of the power of any person to impose upon the crown, by any false surmises, or malicious misrepresentations.

I think, my lords, I have left no argument against the Bill unanswered, but that most extraordinary one, of its being time enough to guard against the evil of modelling an army for any bad purpose, after it has once happened: I hope it will be granted me, that the modelling of an army for the private and particular purposes of a minister, or ministry, is as bad a purpose as any that can be imagined; and I think I have shewn, that such a modelling was actually set on foot in the end of the late queen's reign, and something like it happened even in his late Majesty's time; and therefore it must be granted, that it is now high time to think of guarding against it; but if it be meant, that nothing like it has happened in his present Majesty's time, the argument will be still more extraordinary, for does not every one know, that before such a Bill can pass into a law, the King at that time upon the throne, must give his consent to it, and if any King, by the advice of an evil minister, should once actually begin to model his army, would it not be ridiculous to expect the consent of that King to a law for putting a stop to what he had actually begun; so that his Majesty's never having attempted any such thing, is one of the strongest arguments for our passing the Bill now before us; because it is only from such a just and such a gracious King as the present, that the royal assent to such a Bill can ever be expected.

I hope, my Lords, I have now fully shewn the weakness of all the objections that have been made to the Bill: but as to the arguments for it, they are strong, they are convincing: I shall only touch upon that one, which I think has the greatest connexion with the nature of our constitution. It is well known, my lords, that there are many officers of the army who have nothing, or, at least, very little, to subsist on, but their commissions; and it is likewise well known, that there are many gentlemen of the army now in both Houses of Parliament: there are now, my lords, more officers of the army in each House of Parliament than there were when we had on foot an army of above sixty thousand men: these are facts which will not, I believe, be controverted. It is, I do not know how, become, of late years, a prevailing opinion, that the only best way of getting preferment in the army, is to have a seat in this or in the other House of Parliament: this, it is true, my lords, must be an erroneous opinion: it is impossible that any man can justly and honourably acquire any preferment in the army by his behaviour in either House of Parliament, and therefore this must be an opinion for which I hope there never was any ground; I am sure there can be no ground for it under his present Majesty; but erroneous as it is, it is become a general opinion, and we know that mankind always were, and always will be governed and influenced by general opinions and prejudices; and according as the prevalence of this opinion increases, we may expect an increase of the number of officers in both houses of parliament.

We may expect, my Lords, that, in future times, as soon as any gentleman has once got a commission in the army, he will next employ all his money and credit, and all his friends, to procure himself a seat in parliament; he will, perhaps, pawn the last shilling's worth he has in the

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world, besides his commission, in order to procure himself a seat in the other House of Parliament, and how dangerous it may be to our constitution, to have such a man depending for the continuance of that commission, upon some future enterprizing minister, I leave to your lordships to judge. No man has a better opinion than I have of the gentlemen who are at present the officers of our army; but I must say, that I think it too hard a trial, even for their virtue, especially in this degenerate age, to leave it in the power of a desperate minister, to tell them, upon occasion of an important question in parliament, If you do not vote, Sir, as I direct you, you shall starve.

Your lordships are, I am sure, all convinced, that the happiness, the essence of our constitution does not depend upon outward forms, but upon realities. Our constitution does not depend upon our having always a parliament, but upon that parliament's being independent of the administration; upon its being in the power of parliament to examine severely, and judge impartially the conduct and the measures of those employed in the administration, to represent the grievances, and watch over the liberties and the properties of the people of this nation, and to take away evil counsellors from before the king; but if ever a majority of both Houses of Parliament, should come to be composed of gentlemen, whose daily bread, or at least their chief support, depended entirely upon the favourites of the crown, can it be imagined that it would then be in the power of parliament to examine freely, or judge impartially the conduct of those favourites; to relieve the people from the oppressions brought upon them by such favourites; or to tell their sovereign any ungrateful truths about those whom he had thought fit to employ as his ministers? Would not an arbitrary negative be then put upon all such questions in parliament? Would not the best designs of the uncorrupted and independent few be baffled by a corrupt and slavish majority? And shall any question which tends towards the preventing of such a misfortune, have now the ill fate to be rejected by your lordships?

The Bill now before us is so far from being an attack upon the prerogative, that it is in the very same terms with a bill drawn up in the very last reign, by as able and as honest a minister* as ever served the crown: he was indeed an honest and a disinterested minister, for he had the happiness of his country so much at heart, that he neglected his own, and has left little else to his son, but the honour of having a seat amongst your lordships. The bill, I say, my Lords, was not only drawn up, but even his late Majesty, who never could be accused of allowing of any unjust encroachments upon the crown, had, by the advice of that minister, agreed to its being brought into parliament: and if it had been brought in that time, which was, I do not know how, prevented, not only the ministers of the crown were ready to have supported it, but the King himself was ready to have given it the royal assent, as soon as presented to him for that purpose. This, my Lords, I know to be true, and therefore I am the more surprized to hear the offering of such a Bill now represented as an attack upon the prerogative, an affront to the King.

We all know, my lords, that there is nothing proposed to be done by this Bill, but what has been done in every country, where there are any remains of liberty left. In Holland, no officer was, I believe, ever removed but by a court-martial; I do not remember that ever any was, nor do I know any other way, by which an officer can be broke or removed in that country. In Sweden, as soon as they recovered their liberties, by the death of their late heroic king, they established this rule amongst them, that no officer should be removed or broke, but by a court-martial, or by the king with the consent of the senate. And in Poland, their late king having made long and repeated remonstrances to the States of that kingdom, to have a body of regular troops raised, and kept up, the States at last consented to it: but how did they consent? They agreed indeed to the raising of the troops asked for, but with this regulation, that all the officers should have their commissions for life, which was a wise and a necessary regulation; but whatever designs or views the court of Poland had in asking for those troops, they found that the raising of them, and keeping them up under that regulation, would so little answer the ends they had thereby proposed to themselves, that they never put the ordinance, which they had so strongly solicited, in execution, nor was there a man raised upon that foot. In short, my Lords, the regulation intended by this Bill, is a regulation that has been thought necessary in all free coun-

* The late earl Stanhope.

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tries; in this, I think it is absolutely necessary for the preservation of our constitution; I can see no reasonable objection that can be made to it, and therefore I shall still be for a second reading.

The lord Willoughby de Broke and the earl of Abingdon spoke in favour of the Bill, and then the question being put it was carried in the negative.

Content - 49		Not-Content - 78	
Proxies - 13		Proxies - - - 22	
	—62		—100

Protest on the said Bill's being refused a second reading.]

"Dissentient'

1. "Because the exigence of affairs in times past, or complaisance of former parliaments, have, for several years, occasioned the keeping up a considerable body of land-forces in this kingdom; and, as various events may happen, to oblige future parliaments to pursue the same measures, which nothing but the utmost necessity can justify, they being repugnant to the nature of our constitution, and dangerous to the liberties of a free people; and, as the whole disposition of the said forces is absolutely in the crown, we cannot but think it highly reasonable, that when so great an increase of power and influence, which was formerly occasional and rare, comes to be annually vested, and constantly exercised by the crown, that some such limitations, as are proposed by this bill, are not only proper, but necessary. And we are confirmed in that opinion, by the doctrine so often and so strongly laid down in this House, that the greatest danger to this nation, from a standing military force, must arise from the abuse of the power, which now subsists, of cashiering officers, without any crime proved or alledged, and of garbling the army at pleasure. And we heartily wish, that nothing had since happened to put us in mind of that doctrine.

2. "Because the employing or removing of all general officers would have been left in the crown, if this Bill had passed into a law; for the enacting clauses were only to this purpose, that no colonel, or other officer of inferior degree, having his commission from the crown, shall be cashiered or removed (other than to a higher post) or discharged from his commission, or be deprived of the pay belonging to the same, in any other manner than by a court martial, to be appointed by a commission under his Majesty's sign manual to any officer, not under the degree of a field officer: At the same time there is a provision in the Bill, that nothing shall extend to prevent his Majesty, or his successors, from disbanding, breaking, or reducing all, or any of the regiments, troops, or companies now in being, or which shall, or may be raised hereafter. And it is further provided, That his Majesty and his successors may remove any officer, upon an address of either House of Parliament. We conceive therefore, that, as these posts would still have remained, upon all vacancies, in the sole disposal of his Majesty, and that the persons now possessing them are liable to be removed for any breach, or neglect of duty, by a court-martial, or by address of either House of Parliament, the prerogative of the crown would be no other ways abridged or altered, than it has been on many other occasions, particularly in that instance, of making the judges to hold their places, 'quamdiu se bene gesserint,' which were formerly during pleasure only; which alteration has been always approved, and we hope will, in no time to come, ever be attempted to be repealed.

3. "Because the practice of all the nations in Europe, even where the government is most arbitrary, justifies the intention of this Bill; for no instance can be produced in any other kingdom or state (as we believe) where officers are cashiered or deprived of their commissions, otherwise than by the judgment of a court-martial; how much stronger reasons then have we of this nation to establish such a rule, since our officers are many of them in a capacity of having a share in the legislature, where it is absolutely necessary for the preservation of the constitution, that every member should be free and independent; and more particularly at this time, when we find the number of officers having seats in parliament far greater than ever it was, in time of war, when above three times the number of the present troops were kept on foot?

4. "Although it was objected in the debate, that, in time of danger, upon suspicion of traiterous practices, it might be necessary to remove an officer from his post, though the informations might not be ready to be produced, or proper to be laid before a court-martial; and yet by such officer's continuing in his post, great mischiefs might accrue to his Majesty and the public; we apprehend, that objection received a full answer, that, in such a

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case, an officer might be immediately put under arrest, or sent to some other post, where he could not be so dangerous: and we conceive, such a method of proceeding will always be thought most proper, where the crime is only suspected, but not capable of legal proof; for it must be allowed, as unjust to condemn a man upon suspicion only, as it would be unreasonable to let a man continue in power, who is justly under suspicion. That part of the prerogative, which will always be esteemed the brightest jewel of the crown, the power of conferring grace and favour, would have remained entire, had this bill passed into a law; and only the disagreeable part of inflicting punishments, was designed to be limited, or rather secured by this bill, from being turned to any ill use, by the private whispers of some malicious or vindictive minister, who may at any time hereafter, get possession of the royal ear.

5. "Because the time for the new elections drawing near, we look upon this as the most favourable opportunity of passing so necessary a bill, since hereafter the very great increase, which may probably happen, of the number of officers in parliament, may render the future passing of such bill totally impracticable: for while the officers of the army remain in their present precarious situation, they may be intimidated by the threats of an unforgiving minister, from voting even for a bill of this nature, and chuse to purchase present security at the price of their own interest, and their future independence in parliament, in which the liberty of their country is so much concerned.

6. "Because we conceive the small degree of independence proposed to be given to the officers of the army by this Bill, to be necessary to prevent their being exposed to temptations, in which (though we are ready to do justice to the sentiments of honour and virtue in those gentlemen) we should rather lament than wonder to find a discouraged and indigent virtue yield to a criminal but prosperous compliance; especially should we have the misfortune, to see an imperious, all-grasping, power-engrossing minister, who may make their political submission to his oppressive and destructive schemes, the only test of their merit, and the only tenure of their commissions.——*(Signed,)*

Winchelsea and Nottingham, Scarsdale, Warrington, Suffolk, Marlborough, Marchmont, Weymouth, Tweedale, Chesterfield, Carteret, Oxford and Mortimer, Willoughby de Broke, Clinton, Berkshire, Masham, Denbigh, Litchfield, Craven, Montrose, Ker, Gower, Bruce, Strafford, Bathurst, Bedford, Bolton, Cobham, Tadcaster, Bridgwater, Cardigan, Griffin, Foley, Boyle."

The Earl of Scarborough's Motion for rejecting the said Bill.] The motion for the second reading of the said Bill being thus carried in the negative,

The Earl of *Scarborough** stood up and said:

My Lords; Before this question was put I had not an opportunity to give my sentiments upon it, though I had fully considered it; and I had the more fully considered it, because I thought that both my honour and the happiness of my country, were deeply concerned in the question: however I shall now take an opportunity to declare, that I never gave my negative to any question in this House

* "The earl of Chesterfield undertook to recapitulate and answer all the objections that had been made to the bill, which he performed in a most masterly manner; but it was unsatisfactory to the House. He said all that was then saying on the same side of the question in the House of Commons, and embellished it with a clearness of sentiment and purity of diction peculiarly his own. The House was charmed, but not convinced; for upon the question being put, whether the bill should be read a second time, it was carried in the negative by a majority of 78 against 49 lords present, and of proxies 28 against 13; in all, the majority was 100 against 62. But the earl of Scarborough was not contented with this slight put upon the bill. He had considered the question with more attention than perhaps any member of either House. He was a man of strong natural parts, but he seldom exercised them: he was devoured by that malady which amongst foreigners is become proverbial to the English; and it was very visible in his looks and demeanour. He had reading, but was shy of applying it. He was early a favourite with his royal master; and it must be admitted, that his private virtue and disinterestedness at the time now described, atoned for great part of the venality that infests courts. Though there was founded, upon a similarity of manners and genius, the strictest friendship between him and the earl of Chesterfield, who had so warmly supported the bill, yet that could not warp him from the duty he owed to his prince and his country. He apprehended the bill to be a direct attack upon the prerogative of a prince, who never had exercised it but for the good of his people." Tindal.

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more heartily, or with greater conviction, than I did to the second reading of this Bill; which really, in my opinion, is one of the most extraordinary Bills that ever was brought before this House, and therefore I must think, that it deserves something more, than the putting of a bare negative upon its being read a second time.

It has often been endeavoured, by many lords in this House, to set a regular standing army in the most terrible light; and great art has formerly been used to shew the dangerous consequences of such an army; but all the debates that have happened in this House upon that head, there never were any such fatal consequences pretended, as I should have dreaded from a standing army under the regulations prescribed in this Bill, had it passed into a law. While our army continues in the state it is in at present, while it depends upon the parliament for its very existence, and while the officers depend upon the King for the continuing of them in their respective commands, I shall never have any fears about the consequences which may soon thence ensue; but if this Bill had passed into a law, our army had been made independent both of king and parliament. The officers would then have depended upon no power but their own; they would soon have begun to think, that they had a legal right to their commissions, and consequently to their pay; and if both king and parliament had joined in opinion for reducing any number of them, they would have looked on it as an injury done them, and would have been apt to have joined all together to prevent the effect of any such resolution; and if they had, I would be glad to know, how the resolutions of king and parliament could have been made effectual against them; whereas, while they remain in the dependent state they are in at present, they know they have no longer any right, either to their commissions or their pay, than it shall please his Majesty to continue them, in their command; and therefore they readily submit whenever his Majesty finds it proper to reduce any number of them.

This, my lords, would have been the consequence as to the public; but then as to private persons the most terrible oppressions might have ensued, from making the officers subject to no power but their own. The officers of the army, like all other sets of men, are apt to favour one another; they are likewise apt to favour the common soldiers, as being of the same body with themselves: we all know how many little acts of oppression may be committed by the officers and soldiers in their respective quarters, and otherwise, which cannot come under the cognizance of the common law. If in such cases the officer should be guilty of oppressions or should connive at the irregularities committed by the soldiers under his command, we may easily judge what would be the consequence, if the offender could not be any way punished, but by a trial and sentence of his brother officers in a court-martial, who might probably be all guilty of the same crimes and irregularities: and if, in such cases, the officers had nothing to fear, either from king or parliament, we may most certainly conclude, that our regular army would soon become intolerably irregular, and would become a most insupportable grievance to the people in all parts of the country through which they should happen to march, or where they should happen to be posted.

This, I find, my Lords, was an inconvenience, which the projectors of this Bill were aware of; and therefore they have pretended to contrive a remedy for this evil, by leaving officers liable to be broke, or removed by his Majesty, upon an Address from either House of Parliament; but I am afraid, that this remedy would have been soon found to be altogether ineffectual. The principal reason assigned, for bringing in this Bill, was, because the officers of the army are now become numerous in both Houses of Parliament, and may soon become more numerous, so as at last to be able to bear too great a sway in both Houses. If this be the case as they are situated at present, would not we have much more to fear from their numbers and sway in parliament, if they had a sort of freehold in their commissions; which they would have had, if this Bill had passed into a law? Would not the holding of their commissions for life have made every one of them more considerable in the country, than they can possibly be, in the precarious condition they are in at present? And if you had added to their weight and interest in the country, would not you of course have encreased their numbers, and their sway in both Houses of Parliament? this, my lords, I look upon as a most certain consequence; and are we not reasonably to suppose, that all the officers, in both Houses of Parliament, would have joined, not only in vo-

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ting, but in making all the interest they could against any motion for such an Address? This would certainly have been the case, and if this Bill had passed into a law, I am convinced, the officers of the army would soon have got such interest in both Houses of Parliament, that it would have been impossible to have procured an Address from either House, for the removal of any one of them. The officers who had seats in parliament, would, upon any such motion, naturally have told you, why this extraordinary remedy? if the man is guilty, send him to us; we will try him, and break him by the sentence of a court-martial; and if he be not guilty, he ought not to be broke, he ought not to be oppressed by a vote of either House of Parliament.

At present, my Lords, if any of the officers of the army commit any act of oppression, or allow the soldiers under their command to commit any irregularities upon the poor people among whom they are quartered; the honest countryman has a ready redress; he represents his case to his landlord, and his landlord, either by himself, or by some gentleman of his acquaintance, gets the poor man's case laid before the secretary at war, who represents it to the King; and if an officer should be often found guilty of such little trespasses, to be sure his Majesty would cashier him, which certainly is a check upon the behaviour of those officers, whose inclinations may, perhaps, be very strong towards acts of oppression: but if this bill had passed, where should the poor man have gone to complain? If he had got his case represented to the secretary at war, and, by that means, to the King, what could his Majesty have done? He would have had no power to rectify the abuse, or to punish the offender; and if the officer had been brought before a court-martial, they could not have enquired into the general course of his behaviour; they could have enquired only into that particular fact, which they would not, probably, have found to be of weight enough to have broke a brother officer; and even as to that particular fact, it might have happened, that the court-martial was composed of officers who were most of them guilty of, and liable to be prosecuted for the same sort of crime; I believe it will not be supposed, that the poor injured man would have met with much redress from that court-martial; who would have been loth to have encouraged such complaints, by giving a proper redress to the person complaining. This might have been the case, as to courts-martial, and how difficult it would have been for a poor countryman, perhaps in some remote part of the island, or indeed, for any man, to have obtained redress, by a complaint in parliament, I have already shewn.

Whether this difficulty of obtaining redress against an oppressive and unruly officer would not have encouraged great licentiousness in the army, I leave to every one of your lordships to judge. Even with all the power which the crown now has over the officers and the soldiers, it is a difficult matter to prevent their being sometimes a little troublesome in their quarters, or to keep up that regular and exact discipline which ought to be preserved in an army; but if this Bill had passed into a law, it would have been impossible to have prevented the one, or to have enforced the other: nay, I do not see, my lords, how it would have been possible for the colonel of a regiment to have commanded that submission and respect which is due to him by the officers of his own regiment; all inferior officers would have become so independent of their superiors in command that it would have been impossible to keep to a strict observance of their duty; every little fault, every little neglect of duty, could not have been brought before a court-martial, and if it had, the officers would have been loth to have broke a brother officer for one little failing, of which they, or most of them perhaps, had been guilty. Whereas, while the power of removing remains in the crown, the whole tenor of an officer's behaviour may be considered: and if, upon the whole, it appears to be bad, and without any hopes of amendment, his Majesty may, and certainly would, remove him from his post in the army.—In short, my Lords, the evil consequences of this Bill are so numerous, that I hope your lordships will endeavour to prevent any such Bill's being brought in for the future, and therefore I shall move, that it may be rejected.

The question being immediately put upon the earl of Scarborough's motion for rejecting the said Bill, it passed in the affirmative without a division.

Debate on Lord Carteret's Motion to Address the King to know who advised the Removal of the Duke of Bolton, and Lord Cobham from their Regiments.] Then Lord *Carteret* moved, "That an humble

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Address be presented to the King, that he would be graciously pleased to acquaint the House, who advised his Majesty to remove the duke of Bolton and the lord viscount Cobham from their respective Regiments, and what crimes were laid to their charge." Hereupon

The Earl of *Ilay* stood up and said;

My Lords; The motion which the noble lord has been pleased to make, is, I think, a very new, and a very extraordinary motion, and it is the more extraordinary, in that his lordship has been pleased to make it just after he has seen the bill offered by some of his friends rejected by this House; for to me it appears plain, that since the lords who offered that bill find that this House will not agree to the bill they were pleased to offer, they are resolved upon endeavouring to obtain by a motion, the very same thing, which they had endeavoured to obtain by their bill.

The design of the Bill was, to take away from the crown the power of removing the officers of the army, and to enact, that for the future no officer should be removed but by a court-martial, or by an address from either House of Parliament. This the House has, I think, for very good reasons refused to agree to; and therefore now they propose to us to demand from his Majesty the reason why he has removed two officers from their commands in the army. Surely every one of your lordships must see, that such an address would have the very same effect; for if such a precedent should once be made, it would soon become an usual custom: If ever his Majesty, or any of his successors, should at any time hereafter think proper to remove any officer from his command in the army, there would immediately be an address from one, perhaps from both Houses of Parliament, demanding his Majesty's reasons for the removal of that officer; and in case the reasons given should appear to Parliament not to be sufficient, we need not doubt but that the first address would be followed by a second, for replacing that officer, which the King would be obliged to comply with, or fall out with his parliament; so that neither his Majesty, nor any of his successors, would ever venture to remove an officer from his command in the army, but by the sentence of a court-martial, or in pursuance of an address previously obtained from parliament for that purpose.

Thus, my Lords, it is plain, that the address now moved for, would make such a precedent, as would have the same effect with the bill which your lordships have just now been pleased to reject. Nay, it is certain, that the precedent would have a more extensive effect, and worse consequences, than the bill could have had; because the bill was confined, it went no higher than colonels of regiments, but the precedent introduced by the address now moved for, would be unconfined, it would extend to generals, it would even extend to the general in chief; and therefore it must be agreed, that all those arguments which, most justly, weighed so much with yourlordships as to make you reject the bill, must militate more strongly against the address now proposed. Those arguments have been already so clearly and so fully stated, that, I am sure, I neither need to repeat, nor can I add to them, but shall only say, that as I was against the bill, so I shall likewise be against the address; and I cannot but believe that every lord in this House who joined with me in opinion upon the former question, will do me the honour to join with me likewise in this.

Lord *Bathurst* stood up, and spoke as follows:

My Lords; As to the particular case now before us, if it be something new, it is not at all to be wondered at; because it is but lately that we have had any such thing as a standing army; and, even since we had a standing army, it has been but very seldom that any gentleman has been removed from his command in the army, without so much as a pretence for so doing, which is the case now before us; there was not, I believe, so much as a pretence for the removals which have given occasion for this motion; there was, at least, no just pretence that the public ever yet heard of. But as to the case in general, my lords, it is neither new nor extraordinary; for it is well known, that this House has often addressed the King to know who were his advisers to some particular step that had been taken: This is what appears often upon the Journals of your lordships House, and it is one of the chief ends of our sitting here: We are his Majesty's great council, and if his Majesty, or any of his successors, should ever by wicked counsellors be prevailed on to do what is publicly and generally complained of, we are obliged, both in honour and duty, to inquire into the affair, and to address his Majesty to lay before us the

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reasons for his so doing, and to inform us who it was that advised him to take such measures, that so the measures, if right, may be justified, and, if wrong, that the indignation of the people may be removed from the throne, that their resentment may fall as it ought, upon those that advised such measures, and that the evil counsellors may meet with that punishment they deserve. This, my lords, is really the case now before us; a measure has been taken which has raised a general clamour, and we are the more concerned in it, because the two officers who have been removed are both members of this House. I make no doubt but that very sufficient reasons have been shewn to his Majesty for removing them, but I have so good an opinion of the two noble lords, that I am convinced, the reasons which have been shewn to his Majesty for their removal, are false, and were grounded only upon misrepresentations.

It is true, my Lords, I was one of those Lords who voted for this bill, which your lordships have been pleased to reject. I must say, that I have as yet heard nothing that can make me alter my opinion, and since it has been said, that the same arguments which prevailed with your lordships to reject that bill, must now prevail with you to reject this motion: I shall beg leave to take some notice of those arguments, I was indeed a little surprised to hear it said, that, by the bill, the officers of the army were to acquire a sort of freehold in their commissions. I believe your lordships would not agree to take any particular man's freehold from him, even by an act of parliament, without giving him an equivalent; but notwithstanding any provision in the Bill, an officer was to remain liable to have his commission taken from him by an Address only, without any cause assigned, or equivalent given; nay, by breaking or reducing the regiment, all the officers of the regiment might have been turned out of their commands by his Majesty's single authority; which shews, that though the bill had passed, it would have given them no manner of freehold in their commissions: It would, in reality, have given the officers no further right to their commissions than they have at present; for it is certain, that every officer has now a right to his commission as long as he behaves well, and the corps to which he belongs is kept entire: No officer ought, or can, justly, be turned out of his bread, as long as he behaves well; and all that was proposed to be done by the Bill, was to subject the behaviour of an officer to the judgment of a court-martial, or a House of Parliament, instead of leaving it subject to the judgment of ministers of state or court favourites: The officers therefore, if the Bill had passed into a law, could not have imagined, that they had any better right to their commissions or their pay than they now have; and, consequently, there could never have been any more danger or difficulty in reducing the whole, or any part of the army, than there is at present.

But, my Lords, supposing that the officers of the army were to be rendered, as to the holding of their commissions, entirely independent both of king and parliament, surely, if any danger were to be apprehended from them in such a state, in case they should unite against king and parliament, under a general of their own chusing, the parliament, and consequently the people, have much more to fear from them in their present state, in case some future king should think proper to make use of them for the destruction of parliaments, and for overturning the liberties and privileges of the people: For certainly it would be much more easy for the army to unite together under the king, who is their chief general by law, than under any one of their own chusing, which very choice would be a flying in the face of the law; and this union would certainly be the more easily effected by the king's having the power he has at present of turning out and putting in whomsoever he pleases. The noble Lords who oppose this motion, may talk of the dependence of the army upon parliament; but if the case be examined strictly, it will appear, that the army has really no dependence upon parliament: The king, indeed, depends upon parliament for a legal power to keep a standing army in time of peace, and for enabling him to pay them and discipline them according to law; but, if, in any future time, the parliament should think it necessary to reduce a part of the army, and of consequence make no provision for their pay, the resolution of parliament could not break any one regiment, or any part of any one regiment in the kingdom; the officers might all legally continue in their respective commands, and if the king then upon the throne should not think fit to break any of them, they might, indeed, then very probably think that they had a good right to their

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pay as long as they continued in commission; and if they could not get it by law, they might probably join with the king in raising it contrary to law, especially if he, foreseeing what would happen, had taken care to model them for that purpose, which any king might soon do, while the army continues upon the same footing it is on at present. And for this reason, my Lords, I must be of opinion, that all those arguments which have been used for shewing us the danger of making an army independent, are so many arguments for shewing the danger of our army's being entirely dependent upon one branch only of our legislature, and consequently are good arguments for the Bill, which was designed to make the army not entirely dependent upon any one, but upon all the three branches of our legislature.

As to the submission and obedience of inferior officers to their superiors, it is, my Lords, so strongly inforced by the martial law, and it is so much the interest of every officer to see it punctually observed, that no court-martial could, or would incline, either to avoid or defer giving sentence, whenever any the least crime of that nature should appear. And as to all sorts of neglect of duty, we know that it is generally the other officers of the corps that suffer most by such neglect, and therefore we may depend on it, that they would always take care to see the laws of war duly put in execution against all such negligent persons; and in this we may believe they would be the more exact, the less dependent they were upon ministers of state, or court-favourites; for it is well known in the army, that those who are most frequently guilty of such crimes, and meet with most indulgence, are those who are the relations or the favourites of ministers of state, or such other persons who are supposed to have great interest at court; and therefore I think I have good reason to presume, that if this Bill had passed into a law, it would have greatly conduced to the observance of the most exact military discipline among all degrees of men in the army.

I am surprised, my Lords, to hear it pretended, that the making of the officers of the army in some small measure only independent of a secretary at war, or other minister of State, would tend towards the making courts-martial connive at the oppressions or abuses that might be committed, either by officers or soldiers, in the places where they were quartered, or in the places through which they happened to march; I am sure there is no ground that I know of for such a pretence; and as I never yet heard that any officer was so much as suspended by the secretary at war for such practices, I must think, that it is the fear of punishment from a court-martial, that has hitherto kept both officers and soldiers pretty much within bounds, in that respect. It is certain, that there is not the least crime of this nature, but what may be brought before a court-martial, and may be punished by them: in such cases, a court-martial, as well as the secretary at war, may consider the general character of the offender, and may proportion the punishment according to it; and I do not doubt, but that they would break an officer in the army, if, upon enquiry, it should be found, that he had often been guilty of oppressing the poor country people upon whom he was quartered, or had been guilty of but one very heinous crime of that nature. But if any poor country inn-keeper or victualler should be refused a proper redress, by means of a trial before a court martial, could not he easily have access to some of the Lords of this House, or to some of the members of the other, who would represent his case to parliament, where he certainly would meet with a proper redress, not only against the first offender, but even against the officers of the court-martial, who had refused him justice, in the ordinary way? whereas if any lord of this House, or any member of the other, should now make any such complaint, he would, probably, be told, that his complaint was irregular; it ought first to have been made to the secretary at war.

But, my Lords, we have been told, that, if every officer of the army was to have his commission *Quamdiu se bene gesserit*, their interest in the country, and their numbers in parliament, would be greater than it is at present, and consequently that they would have so much influence in parliament as to prevent the obtaining of an address from either House, against any of the officers of the army. My lords, that their natural interest in the country, would be greater, and deservedly greater, I do not doubt, but that their numbers, or their influence in parliament, would be greater, I very much question; for if they were to expect no private advantages by their being in parliament, they would not, I believe, be so very fond of being members of either House; and if they had no dependence

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upon the court, with respect to elections, they would be upon the same footing with other gentlemen; whereas, while they have an entire dependence upon the court, it is to be feared, that, in every place where an officer sets up as a candidate against a country-gentleman, the officer will be supported by the court, and the additional interest an officer must have by his being supported by the court, will generally be greater than any additional interest he could acquire by his having his commission *Quamdiu se bene gesserit*: And thus I think it must appear evident, that if the bill had passed into a law, the number of officers in parliament would not have been so great, as it may probably be if they continue upon the footing they are on at present.

Now as to their influence in parliament, is it to be supposed, that any set of men can ever unite so generally, or so firmly, in any case, especially such a dishonourable case as that of screening a guilty person? Is it, I say, to be supposed, that they will unite so firmly when there is no band of union among them, but that of their being of the same profession, as they may be supposed to do, when there is not only that band of union among them, but this further band, of every man's commission depending upon his uniting with the rest under a ministerial leader? This is the influence, my lords, that we are to be afraid of; it is not the influence of the officers only, even supposing them to join together; but it is when their influence in parliament is not only directed by the crown, but added to all the other influences, which the crown may have, and must at all times have, in parliament. It is by this union of influences that our constitution may be overturned; and this is the danger which by the bill was proposed, in part at least, to be obviated.

It is well known, that a dependence upon the crown is a dependence upon the ministry, and if ever such a dependence should come to be absolute, it is to be feared, that the military sword may come to move always according to the directions of the ministerial sword that hangs over it; and that the votes of those officers, who may hereafter happen to be members of either House of Parliament, may be generally directed by the minister, upon whom their commissions depend. It is to be feared, my Lords, that preferment or disgrace in the army may come to depend, not upon military virtues, or military crimes, but upon obedience or disobedience to the most unjust commands of a prime minister: this is what, I think ought to be prevented, if possible. I will admit, nay, I desire, that the paths of preferment may be made like the paths of virtue; let them be rough and rugged but for God's sake, my lords, do not let us allow them to be dirty.

There is, my Lords, a very great difference between the motion now before us, and the Bill which your lordships have been pleased to reject: by the Address moved for, it cannot so much as be pretended, that there is an attack made upon the prerogative of the crown, or that the power of the King over the army is to be any way touched; nor can it justly be said, that this would lay a precedent for addressing the King upon every occasion, when his Majesty or any of his successors, should think proper to remove an officer. There can never be a precedent pretended from the Address now proposed, but when such removes may occasion a general discontent and murmuring in the nation; and in such case, I hope, your lordships will all grant, that such a precedent would be of great use; and that it is the duty of this House to address upon all such occasions; for in such cases it will always be of great service to the King, because it will afford him an opportunity of satisfying the public, that what he did was right, or of doing justice to those who had suffered by calumnies and misrepresentations; and therefore I make no doubt, but that many of those lords who voted against the Bill, will join with me in voting for this Address.

The Earl of *Cholmondeley* spoke as follows:

My Lords; I cannot believe that the complaints against the removing of the two noble lords mentioned in the motion now before you, are so great, or so general, as some lords have been pleased to represent; for in all the companies that I have ever been in since those two noble lords were removed, I have not heard so much as one complaint against it; and as the generality of those complaints is the principal reason given for agreeing to the Address proposed, I must therefore be of opinion, that there is no occasion for any such Address.

The Earl of *Abingdon* stood up next, and spoke thus:

My Lords; A very good, and a parti-

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cular reason may be given why the noble lord, who spoke last,* has heard no complaint made against the removal of the two noble lords mentioned in the motion for this Address. It would not, perhaps, be very polite, it would not even be good manners, in his lordship's company, to find fault with the removal of those two noble lords, or with any other measure that has lately been taken; but if every lord in this House, who has heard a complaint against the measure in particular, shall give his vote for the Address proposed, it is no difficult matter to determine the fate of the question.

The Duke of *Argyle* stood up and said:

My Lords; I did not before give the House any trouble, or offer to give my reasons against the Bill, because, as I thought it a very new thing, and a very extraordinary one too, I thought that the lords who appeared to be for it, ought to have given their reasons for being so, before it could be expected that any lord should give his reasons for being against it; for it is known to have been always the custom of this House, that when any thing new is proposed or offered, the lords who are for it give their reasons, and all that the other lords have to do, is, to shew that those reasons are not sufficient for prevailing with the House to agree to what is proposed. In the present case, I did indeed hear a very handsome speech made in favour of the Bill presented to us, but in all that was said, I could not observe any real argument, or any reason offered for inducing us to make such an alteration in our constitution, as was proposed to be made by that Bill.

I hope, my Lords, there are no gentlemen in the army that ever were, or ever can be prevailed on, either to act or speak contrary to their conscience, by the fears of their being turned out of their commissions; I hope there never will be any such in our army; but if there are now, or ever shall be, any such abandoned men in our army, I am sure there was nothing proposed by the Bill, that could have had any effect as to such men; for it is well known, I believe every one of your lordships is sensible, that with all those men, who are ready to sacrifice their honour and their conscience to their private interest, the hopes of preferment, the hopes of a more lucrative post or employment, will always be as prevailing an argument, as the fears of losing what they have. I am persuaded there is not a man in the nation, who would sacrifice his honour and conscience, rather than lose 1,000*l.* a year, which he enjoys, but would do the same, if he expected thereby to add but one single hundred a year to his former revenue; and therefore in the only case, in which it can be supposed that the Bill was necessary, it is plain it could have had no effect.

I must indeed say, that if I had spoke against the Bill, I should have differed, as to some facts, from those noble lords who spoke for it. It is very true, that there have formerly been removes in the army, but it is certain likewise, that many of those who were removed had no seats in parliament, and therefore it cannot properly be said, that the behaviour of gentlemen in parliament was ever the cause of their being removed from their commands in the army. However, I shall say no more as to the Bill, which, in my opinion, has been justly rejected.

But, my lords, as to the Address proposed, I really think it worse than the Bill itself: it is certainly as great an attack upon the prerogative of the crown as the Bill was; for what signifies a prerogative, if the King is never to make use of it, without being obliged to give an account of his reasons for so doing to either House of Parliament, that shall please to call for such an account? The Address therefore, is as great an attack upon the prerogative and it is a much more direct attack upon his present Majesty's conduct. I am surprised, my Lords, to hear such a noise made about the removal of two noble lords from their commands in the army. It is true, there have been two lords removed, but there has been but one soldier removed; and therefore, when lords are pleased to talk of soldiers having been turned out of their commissions in the army, they ought not to talk in the plural number. Since then his Majesty has removed but one soldier, I can see no reason for pretending, in some manner at least, to call him to an account, by desiring him to lay his reasons for so doing before either House of Parliament. It is what was never offered to any of his predecessors, even when numbers of officers were removed at a time. There was no such Address as this proposed in a late reign, when many officers were at once turned out: officers, who were so far from

* His lordship married a daughter of sir Robert Walpole.

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being guilty of any crime, or of any neglect of duty, that some of them were but just returned from victory. It must therefore be granted, that what is now proposed is without precedent in either House of Parliament; and for that reason I am against agreeing to the motion.

The Earl of *Anglesea* spoke as follows:

My Lords; I voted for the bill, which your lordships have been pleased to reject; and I voted for it, because I heard, what I thought very strong and convincing arguments offered for it, and not the least shew of argument against it. What the noble duke was pleased to take notice of, was a very good argument for offering an amendment to the bill, but it was no argument against the bill itself, and much less against the second reading of it. It is certain, that men are sometimes guided by their hopes, as well as by their fears; but, surely, when the hopes of preferment, and the fears of starving, are put together in the scale against virtue and conscience, they will jointly weigh more heavily, than either of them would do separately. I cannot allow, that every man, who may be governed and directed in his way of acting and speaking, by the fear of starving, will likewise be directed by the hopes of preferment, or the hopes of a more lucrative post or employment; for he must have a small share of virtue, and a very great share of ambition or covetousness, who is directed to act against his conscience, by the single hopes of preferment, or the hopes of a more lucrative post or employment: and it must be granted, that there are many men, who have so little ambition or covetousness that if they are but made sure of a moderate support for life, the hopes of preferment, or the hopes of adding to their yearly income, will have so little effect upon them, that, with even but a small share of virtue, they may hold out against the most alluring hopes: but it must be allowed, that the man who stands his ground against the fears of being reduced to a starving condition, as well as against the hopes of preferment, and adding to his yearly income, must have a very great share of virtue; a greater share I am afraid, than most men can brag of in this degenerate age. As for those who are quite abandoned, and governed entirely by their own selfish ends, I believe it is not possible to make them honest or virtuous, but surely there are degrees both of vice and virtue; all men are not equally vicious; and if we could, by the bill's being passed into a law, but have preserved the virtue of some, it would certainly have been worth our while; we could afterwards have amended it, if we had found, that what was done was not sufficient. As to the Address now proposed, I cannot see, my lords, how it is possible that an humble address from either house of parliament can be deemed an attack upon the prerogative of the crown. His Majesty, or any of his successors, may make what use they please of any of the prerogatives of the crown; but it is certain, that if ever any bad use is made of those prerogatives, the parliament has a right; nay, it is their duty to enquire into it, and to desire his Majesty to acquaint them, who it was that advised him to take such a step. This has always been the practice of parliament, as to every prerogative that was ever claimed by the crown: this is the very case now before us: his Majesty has made use of his prerogative in removing two noble lords from their commands in the army: these removals have occasioned a most universal complaint through the whole nation, because it is generally believed, that there were no sufficient or good reasons for removing them; and as it is the duty of this House to take care, that his Majesty shall not by any step he may be advised to take, incur the general censure of the people, therefore this general complaint that has been raised, is a most sufficient foundation for the address now proposed: his Majesty's conduct is no way concerned in the question, it is only the conduct of those who advised him; if they advised him well, they will be justified by what is now proposed; if they advised him ill, they certainly deserve at least the censure of this House; but to tell us that his Majesty's conduct is, or can be concerned, in any such question, is directly to tell us, that the Parliament of Great Britain shall never enquire into any thing, that their King shall be pleased, by the advice of his ministers, to do. As to the number of those who have been removed, it is of no signification in the present question; the cause of removal is what your lordships are to enquire into; for if those two noble lords were removed only as an example to others, one example may serve to keep hundreds in awe; and if that example was made, only to serve a ministerial end, it may be of the most fatal consequence to our constitution. For this reason I shall be for the Address moved

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for. The motion may perhaps be rejected by a majority of this House; but if it be rejected, the whole world will be convinced, that those two noble lords were removed from their commands in the army, for no cause, at least for no cause that can well be publicly avowed.

The Duke of Montrose spoke next, and after him Lord Gower, both for the Motion; after which the question was put, and carried in the Negative, by 77 against 48.

Protest on Lord Carteret's Motion passing in the Negative.]

"Dissentient'

1. "Because we conceive that it is the inherent right of this House to address the crown, to be informed who are the advisers of any measures that may be prejudicial to his Majesty's government, or dangerous to the liberties of the nation.

2. "Because the removal of two officers of such rank and dignity, and of such known fidelity to his Majesty's person and government, without any cause assigned, or any known or alledged neglect of their duty, gave the greatest alarm to many of his Majesty's most faithful subjects; we therefore thought it for his Majesty's service, to give him this occasion to publish to the world the just grounds of his displeasure, or to detect the calumny of their accusers; and consequently to withdraw his confidence from such pernicious counsellors.

3. "Because, that as the practice of displacing officers has grown more frequent in proportion to the increase of their numbers in both Houses of Parliament, the world may entertain (however unjustly) an opinion, that the free use of their votes has been the real cause of their disgrace; and the more so, since most of the persons, who have been removed, have happened to be members of one or other House of Parliament.

4. "Because applications of this nature to the crown may hereafter protect many of his Majesty's faithful subjects from the secret and malicious misrepresentations of some minister in future time, who (though unrestrained by any sense of truth, regardless of his prince's real interest, and animated only by his own passions) may however be checked by the just apprehensions, that the applications of Parliament may lay open his calumnies, and bring upon himself the disgrace he had prepared for others.——*(Signed)* Winchelsea and Nottingham, Strafford, Warrington, Anglesea, Denbigh, Marlborough, Marchmont, Tweedale, Montrose, Northampton, Weymouth, Oxford and Mortimer, Willoughby de Broke, Clinton, Bathurst, Bristol, Abingdon, Bedford, Griffin, Boyle, Masham, Carteret, Cardigan, Ker, Bruce, Scarsdale, Suffolk, Berkshire, Craven, Litchfield, Bridgwater, Montjoy, Gower, Tadcaster, Foley, Chesterfield."

"Dissentient'

"Because we are not conscious that any neglect or breach of our duty can be laid to our charge, much less any want of zeal and attachment for his Majesty's person and government; we therefore must testify our earnest desire, that this motion had passed in the affirmative, that we might have had an opportunity given us of knowing our supposed crimes and accusers; and we hope of justifying ourselves to his Majesty and the world.——*(Signed)*

BOLTON, COBHAM"

Debate in the Commons on the Place Bill.] Feb. 15. The House ordered, "That leave be given to bring in a Bill for securing the freedom of Parliament, by limiting the number of officers in that House; and that Mr. Sandys, Mr. Wortley, and Mr. Cholmondley, do prepare and bring in the same*."

* "The next measure of the opposition was to revive a motion for a bill which had taken its rise from the most unjustifiable part of the opposition to king William's measures, and had often been brought in, but never had passed into a law. It was entitled, 'A Bill, for securing the freedom of parliament, by limiting the number of officers in the House of Commons,' meaning civil, as well as military, officers. As to the number limited, and the officers excluded from the House, they were to be filled up; for when Mr. Sandys brought in the bill, which he did the 19th of February, they were blank. Being read a second time, February 26th, a debate arose about committing it. The minister and his friends imagined, that the constitution was already sufficiently secured against place-men, by the provision, which orders a re-election when a member accepts of any place. They farther thought, that to disable a gentleman from sitting in parliament, merely because he has the honour to serve the crown, was taking from the people their inherent right of chusing any gentleman they pleased, if he was qualified in point of property, and in every other respect. Some likewise thought, that by too great an exclu-

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Feb. 19. The said Bill was presented to the House by Mr. Sandys, read the first and ordered to be read a second time.

Feb. 26. The said Bill was read a second time; and upon Mr. Sandys moving to have it committed, the same was opposed by Mr. Haye, who was seconded by

Mr. *Campbell* of Pembrokeshire, as follows:

Sir; In my opinion, this Bill is one of the most extraordinary and most unreasonable Bills I have ever seen brought into Parliament. It is, I think, not only unreasonable, but in several respects unjust: for as to the electors, the people of Great Britain, it is certain, that they are the best, and indeed the only proper judges, who are the most capable, and the most proper persons to represent them in Parliament; and for us to pretend, by a law, to lay a restraint upon them in their choice, is certainly doing them very great injustice. If the people, the electors of any shire, city, or borough, make choice of a gentleman to represent them in Parliament, who has an employment in the government, that very choice is a sufficient proof that they do not think the service of their country in Parliament, and the service of the crown incompatible: and the law has already wisely provided, that in case any gentleman accepts of a place, or an employment in the government, after he has been chosen a member of Parliament, his seat in Parliament shall thereby be vacated; he must return to his country, city, or borough, to be rechosen; and if they again chuse him, it is a certain sign, that they continue to think him the most proper person to represent them, notwithstanding his having accepted of a place or employment under the crown. Then as to the gentlemen who

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sion, a seat in parliament might come to be contemptible, as all they who are excluded, would join together in rendering it so. They likewise thought, that the crown was not treated with sufficient decency, by the bill excluding from the House of Commons so great a number of its servants.—On the other hand, it is not to be dissembled, that at the time now treated of, the evil complained of seemed to demand some redress. The wisest friends of the minister were of that opinion; and he would willingly have before this gone into it himself, had not the exclusion demanded by his enemies, been too immoderate. It is certain, that the House had a right to impose qualifications upon its own members, without wounding any of the privileges of the electors; nor was it easy to conceive, that the clerk of an office, sitting in that House, could be very ready to give his vote against the very person from whom he held his place. It was likewise to be considered, that the friends of the bill were now far from attempting to exclude from the House, any of the members of the great boards of the treasury, the admiralty, trade and plantations, and the like; nor was any gentleman to be excluded, who, by his station under the crown, could be supposed capable of giving the House the necessary lights in his department of business.—Notwithstanding the serious manner in which the bill was brought in and supported, it was treated with a good deal of intemperate mirth by the ministerial party; and upon its being put to the question to commit the same, it was resolved in the negative, by a majority of 230 against 191. This was but a small majority, considering the importance of the bill and greatness of the debate, in which the best speakers on both sides exerted themselves to the utmost. But a new general election was at hand; the question was popular, and many voted for it, who would have been against it any other time.—The same day, on which the above bill was read in the House, the qualification-bill, intitled, 'An act for securing the freedom of parliaments, by the further qualifying the members to sit in the House of Commons,' received a second reading; but upon a motion being made for committing it, the same was carried in the negative, by a majority of 208 against 127." Tindal.

"Another measure of opposition, calculated to render themselves popular, was to revive a self-denying ordinance, which had excited much clamour in the reign of king William, and, after great opposition, had formed an article among the limitations in the act of settlement, but had been afterwards repealed. It was intitled A bill for securing the freedom of parliament, by limiting the number of officers (both civil and military) in the House of Commons. Several friends of the minister were strongly inclined to favour the bill, and others could not venture to oppose so popular a question at the eve of a general election. The motion was also so agreeable to the sentiments of many among the Whigs, who usually supported government, that the minister did not use his influence on this occasion. He did not even speak in the debate, but contented himself with giving a silent vote, as he did on the pension bill. For these reasons it was negatived by a very small majority of 230 against 191. But a small majority on this single question had no effect on the general state of parties. It fully proved the judgment of Walpole, in not committing himself in subjects of so much delicacy, or pressing his adherents to vote in opposition to popular predilections." Coxe's Walpole.

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are now, or may hereafter be in offices, civil or military, under the crown, it is certain, that they generally are gentlemen of families, and many of them have very large properties in their country. Have not they therefore as good a right to stand candidates for being chosen members of Parliament, as any of those gentlemen who are out of employment? And if the people do them the honour to chuse them, why should we, by a law, deprive them of that honour, which the people have thought fit to confer upon them? Is it not robbing them of a part, at least, of those rights which they have a just title to as Englishmen, or as free Britons?—By this Bill, I must likewise think, there is a very great piece of injustice done to the crown; I cannot but think it a very extraordinary thing to put such a mark of disgrace upon all the officers employed by the crown, as to exclude them from the right of having seats in Parliament, and that for no other reason but because the king has thought them worthy of serving their country in some office, civil or military, under him. It is, really, not only putting an affront upon his present Majesty, but even upon the crown itself, and rendering it impossible for our government to subsist under its present form; for if such an ignominy shall be put upon all those, who shall accept of any employment under the crown, as to render them incapable of serving their country in Parliament, which is one of the highest honours a gentleman can have in this country, what gentleman of family or fortune, of honour or capacity, will accept of any employment under the crown? And thus by rendering it impossible for the king to get any man of family or fortune, of honour or capacity, to serve under him, you will render it impossible for our government or constitution to subsist under its present monarchical form.—Should the Bill now before us pass into a law, I think it is easy to foresee the consequence. It would bring the House of Commons into the highest contempt, or it would bring all those gentlemen, who accept of any offices in the government, civil or military, under contempt. It is natural for every man to endeavour to render contemptible that honour, that post, or that thing, which he knows he cannot attain to: the gentlemen of the army, the navy, or in civil offices, knowing that by law they were all absolutely excluded from the honour of having seats in the House of Commons, would all join together in endeavouring to render the House contemptible in the eyes of the people; and we need not doubt, but that clergy would join with the rest, because, I think, they are already excluded: on the other hand, the gentlemen of the House of Commons, and those who might continue to be eligible into this House, would endeavour to support the honour of this House, by endeavouring to render contemptible all those, who accepted of any post or employment, either in church or state. Is it not much to be feared, that such an unnatural division as this might, in the end, prove fatal to the constitution? For the success of either party would certainly overturn our present form of government.—I will not say, but that country gentlemen are very proper representatives of the people, and I believe the majority of this House will always consist of such, as it has formerly done; but I believe it will be granted me, that it is necessary, for dispatching the business that properly comes before this House, to have likewise some of those gentlemen among us, who belong to, and are acquainted with the manner of transacting business in the several great offices under the government. Every gentleman, who has been but a short time in this House, and has attended to the several sorts of business that have come before us, and the several sorts of papers and accounts, we have, from time to time, found necessary for us to call for, must have taken notice, that the House would have been sometimes greatly bewildered, if we had not had some gentlemen among us belonging to the public offices, capable of explaining to the House the matters, which we then happened to have under our consideration; which must convince every man of the necessity of having some such gentlemen always amongst us. If, indeed, there were reason to suspect, that gentlemen in offices, were by their enjoying such offices, any way influenced in their way of acting or speaking in this House, it might then be necessary to contrive some way of preventing that influence for the future; but as I am convinced, that a man's being in an office, does not in the least influence his way of thinking, or his manner of acting, in this House, I therefore think we have no occasion for contriving any such remedies at present, and far less for such an extraordinary remedy, as is proposed by the Bill now before us, for which reason I am against committing it.

Mr. *Sandys* spoke as follows:

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Sir; As this Bill met with no opposition, either when it was moved for, or when it was brought in and read the first time, I was very little apprehensive, that we should have had any debate upon it; and much less was I apprehensive, that our going into a committee upon it would would have been opposed, for as yet it can be called little more than a blank; it cannot well deserve the name of a Bill, until it has gone through the committee, where the many blanks which are now in it, are properly to be filled up. I was, indeed, surprised, to hear the worthy gentleman, who spoke last, say that he thought it the most extraordinary and unreasonable Bill he had ever seen brought into this House, for if the gentleman will look into our Journals, he will see that this very Bill has been often brought in, and has almost always been passed in this House; and I am sure, if ever it was thought reasonable by this House, it must now be thought much more so, when the number of placemen is much greater in this House than it was ever heretofore. The worthy gentleman has likewise told us, that he thinks the Bill unjust, both with respect to the crown, the people, and the gentlemen who have the honour to be employed by the crown; as to which, I shall take notice in general, that, by the same method of reasoning, he may pretend to shew us, that all the laws that were ever made for regulating elections were unjust, and were encroachments upon the rights of the people. I shall readily agree with him that the people are the properest judges, who ought to be chosen by them for representatives in parliament; and I am confident, that were they left to a free choice, we should not see so many civil and military officers brought into parliament.—The people, I believe, would always think themselves more secure in being represented by country gentlemen, with whom they are well acquainted, and who can have no interest separate from them, than by clerks of offices, or such other persons, whom they perhaps never saw or heard of before they came down to be chose their representatives, and whom, probably, they may never see again, until they return to ask the same favour; which every gentleman here knows to be often the case of many of our little boroughs in England. But, to say, that it would be any injustice in us, to lay any restraint upon the people, as to the choice of their representatives, seems to me very extraordinary, when we consider the laws now in being, by which the people are restrained from chusing any gentleman for their representative, who is not possessed of such an estate. Surely, we may, with respect to elections, without being guilty of any injustice, lay what restraints we think necessary for the good of the public, and the preservation of our constitution; for I am sure, that whatever is for the benefit of the people, cannot be justly said or thought to be injurious to the crown. It is extraordinary to say, that what is proposed by this Bill, would be an injustice done to those, who are thereby to be made incapable of being elected; for have not we already a law, by which all the officers concerned in the collection of the customs or excise, are rendered incapable of being chosen members of parliament? And yet I have never before heard it urged, that there was any injustice done to those gentlemen, by excluding them from having seats in parliament, as long as they are in an office which is inconsistent with their being members of this House.—I will allow that the choice made by the burgesses of a little borough, or by the freeholders of a county, if it falls upon an officer, civil or military, shews that the majority of those electors, at that time, did not think the office he then enjoyed incompatible or inconsistent with his being their representative; but I hope it will not be said, that the burgesses of a little borough, or even the freeholders of a county, are better judges in this respect than the representatives of the whole people of Great Britain met in this House; especially when the opinion of this House is approved of and confirmed by the other two branches of our legislature. As to the alternative pretended, that if this Bill should pass into a law, it would render either the officers, civil and military, contemptible, or this House contemptible in the eyes of the people, I cannot imagine how it could produce either of these effects; for as to the officers, civil or military, is it to be imagined, that a successful general or admiral, a brave and experienced captain, by sea or land, or a civil officer, honest, expert, and diligent, in the station he is in, would be contemned, because he was not capable of being a member of this House? Were the clergy ever brought into contempt, by their being excluded the privilege of being chosen members of parliament? On the contrary, I believe, they never got any honour by being members of either House; and, I believe, there are

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very few officers, either civil or military, in the kingdom, who ever gained much honour, or much repute, among the people, by their being members of either House of Parliament, unless when their being such was the occasion of their being turned out of the offices they enjoyed, and might have continued to enjoy, to their own honour, and the advantage of their country, if they had not been members of Parliament. As to the other part of the alternative, that this House may be rendered contemptible by what is now proposed, I am not in the least afraid of it; but I am very much afraid, that if some Bill of this nature is not speedily passed into a law, this House will become contemptible in the eyes not only of our own people, but of the whole world.—Gentlemen may pretend, that no man is influenced in his way of thinking, or in his manner of acting, in this House, by the post or the office he possesses, and may be turned out of, whenever a prime minister may have a mind; but while men are men, I am convinced, there will always be a great number, by far, I fear, the greatest number, who will rather vote according to the directions of the prime minister for the time being, than run the risk of being turned out of the lucrative post or office he then holds at the pleasure of the crown: and if ever a majority of this House should happen to be composed of such men, I am sure it will become as contemptible as ever the senate of Rome was, after it became the political tool of their arbitrary and tyrannical emperors. I will likewise agree with the honourable gentleman, that it may be necessary, at least, it may be convenient for this House, always to have in it some of those gentlemen, who belong to and are conversant in the methods of transacting business in the several great offices of the kingdom; and therefore I am not for excluding from seats in Parliament all those who are in offices civil and military; I believe no gentleman in this House ever had any such thoughts in his head; and if gentlemen will but peruse the Bill as it stands now, they will see, that there is to be an exception, which is now left blank, as in all such cases is usual, in order that when we go into a committee, gentlemen may then propose the filling up in that blank as many officers, or as many sorts of officers, as they have a mind. About this, indeed, I expected there might have been some debates; but considering the great number of officers of all sorts we have now in the House, considering how greatly that number may be increased in times to come, considering the great clamour already raised in the nation against so many officers being in this House, I really did not expect, that any gentleman would have opposed the committing of the Bill, or would have pretended, that the passing of some such Bill was not now become necessary, both for the honour of this House, and the safety of our constitution. To conclude, the Bill is at present but a blank, but I am confident, it may be made a good and a reasonable Bill, and agreeable to every gentleman in this House; therefore I hope the House will agree to the going into a committee upon it, because if gentlemen do not like it after the blanks are filled up, they may then drop it, or throw it out upon the third reading.

Mr. *Edward Thompson* spoke next:

Sir; If we do resolve to go into a Committee on the Bill now before us, which I hope we shall not, I must take liberty to move for an instruction to receive a clause, for excluding all those who have asked for any place or employment, or any other favour, from the government, and have been refused what they asked for; because I am persuaded that anger, revenge and disappointment, may influence men's actions, and even their behaviour in this House, as much as the hopes of getting a place, or the fears of losing one, can possibly do; and therefore I think it fully as reasonable to exclude the former, as it is to exclude the latter, from having seats in this House. If it can be supposed, that the hopes of getting a place, or the fears of losing one, can influence some men so much, as to make them approve of all the measures of the government, right or wrong; I am sure it may be supposed, that the passions of revenge and disappointment may likewise influence some men so much, as to make them find fault where there is none, and to oppose whatever is proposed by the government, even when they are in their own consciences convinced that what was proposed is right, and necessary for the support of our government and constitution: But for my own part, I can make no such supposition; I cannot suppose, that the being in a place or employment under the government is inconsistent with common honour and honesty; nor can I suppose, that any man would, for the sake of satisfying his malice

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or revenge, oppose any thing that he saw was necessary for preserving or improving the happiness of his country; and I would gladly ask those gentlemen, who have formerly been in places under the government, and happen now to be out, if they looked upon themselves as less honest, when they were in place, than they are now when they are out?—As the Bill appears to me to be a total exclusion of all officers, civil and military, from having seats in this House, I would really advise those gentlemen, who now seem so fond of it, to be a little cautious in passing such a Bill, for if that, which they have so long struggled to come at, be so near at hand, as some people have been pleased to give out without doors, the passing of such a Bill may soon affect a great many of themselves. They may then, perhaps, think of the Bill as I now think of it; and I must declare, that I can by no means agree to the committing of it, because I think it impossible to make it a good Bill.

Mr. *Digby* said:

Sir; I differ so far, in my opinion about the Bill now before us, from the honourable gentleman who spoke last, that I think it is not possible to make it a bad Bill. It is a Bill that has often, as was before observed, passed through this House; and I am sure it was never more necessary for securing the freedom and independency of parliaments than it is at this present time; I am afraid, that even the transactions of this day may be a convincing proof, of the great necessity that there is for having some such Bill passed; or rather that they will be a melancholy proof of its being already impossible ever to get such a Bill passed. It is certain, that the preservation of our constitution depends upon preserving a just balance between the several powers of which it is composed; for if ever the scale should be so much turned, as to overthrow and destroy that balance, our constitution will, from that moment, be at an end: And it is certain, that the many penal laws which have been enacted since the Revolution, the many taxes that have been laid on and still continued, and the great number of officers that are necessary for the collecting of those taxes, have thrown a great and a dangerous power into the hands of the crown; such a power as, it is greatly to be feared, may enable the crown to swallow up the two other branches of our legislature, by making them entirely dependent on the crown, if ever those employed by the crown should be wicked enough to make such a cruel use of the power they have got into their hands. I will not say, that ever such a use, or any wicked use, has as yet been made of the great power which the crown has lately acquired; but there is no doubt but that such a use may be made of it: Some future minister may arise, who may make an absolute and a blind obedience to his commands, both as to voting and speaking in either House, and as to voting at elections for members of this House, the only tenure by which gentlemen in office can hope to continue in their respective offices, and the only merit which can intitle a man to preferment either in church or state; and if this should ever happen to be the case, I must leave it to every gentleman that hears me to consider, whether our constitution would not then be in the most imminent danger; Shall we then, who are the guardians of the people's liberties, neglect or refuse to provide proper fences, against that power, which may, some time or other, be made use of for invading or breaking down all those fences, which now serve to protect and defend the liberties and the properties of the people? We all know, that the service of the crown and the service of the people ought always to be the same; we know that the crown ought never to ask any thing but what is for the service of the people, and that the people ought never to refuse what is necessary for the support of the crown, and for their own defence; but we likewise know, that the service of the crown and the service of the people have not been always the same; we know that the crown has sometimes been the people's most dangerous enemy, and the people may, perhaps, have sometimes refused what was necessary for the support of the crown, and for their own defence. What has happened may happen again; but as long as the parliament continues pure and uncorrupted, they will always be proper mediators between the crown and the people; whereas, if both Houses of Parliament should ever come to be entirely dependent on the crown, and ready to follow blindly whatever instructions they may receive from the ministers of the crown, could it then be said, that the parliament would be proper mediators between the crown and the people? Could it be expected, that the parliament would ever put a check upon the most arbitrary demands of the crown? Or could it be ex-

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pected, that they would ever have weight enough with the people, to prevail with them to comply willingly with the most necessary demands of the crown? This is a case that is certainly to be apprehended by all those, who have any regard for our present happy constitution; and as the number of officers in the service of the crown is daily increasing in this House, I think it high time to put a stop to it; for the disease may, very soon, become incurable.—That some dangerous practices have formerly been attempted, by the ministers of the crown, upon the members of this House, cannot be denied; since an honourable gentleman of great worth, a gentleman of great distinction in the army, general Wade, has but lately told us, that even he himself was threatened, for daring to give his vote against one of the most destructive ministerial schemes that was ever brought into Parliament; and though he had virtue and courage enough to despise such threats, yet it is probable, that many were brought over by such or the like arguments; because that scheme, destructive as it was, got the sanction of a British Act of Parliament; an act, which, for its many fatal and iniquitous effects, will for ever make a considerable æra in the annals of this nation. But I need not enlarge upon the necessity of our having some such law as is proposed by this Bill; the thing speaks itself; the independence of our Parliaments is certainly our greatest security: and if we cannot render them altogether independent, the more they are so, the less our danger will be, therefore I am for our going into the Committee moved for.

Mr. *Winnington* spoke next:

Sir; This Bill, as gentlemen have observed, has, it is true, been often proposed and has sometimes passed in this House, but it has likewise been sometimes rejected; so that if there is any argument in this, it is equally strong on both sides; and as it has been often proposed, and never yet has passed into a law, it is a certain proof that it has never yet been thought reasonable: indeed, if we look into the history of it we shall find, that it has, at all times, been brought in and supported by those who were at those several times endeavouring as much as they could to distress the government. I will likewise agree with the honourable gentleman who spoke last, that it is necessary to keep a balance between the three branches of the legislature; but I cannot agree with him in saying, that that balance is now in any danger of being destroyed: I hope it never will; I am sure it never was in less danger than it is at present: and I am persuaded, that if the government should ever attempt any thing against the liberties of the people, they would find no such servile dependence, or blind obedience, among the gentlemen in office as has been talked of: many of those gentlemen are, and, I believe, always must be, gentlemen of good families, and possessed of considerable estates of their own; they may not perhaps be very ready to join with any set of men to distress that government they serve; but if they should observe that government incroaching upon the liberties of the people, they would then, without doubt, shew some regard to the families they were come of, and the preservation of their own private fortunes; and would rather throw up the posts or places they enjoyed under the crown, than join with the crown in overturning the laws and the constitution of their country. As there may be danger, in throwing too much power into the hands of the crown, so I hope, it will be granted, that the hands of the crown may be so much weakened, as to render it impossible for the crown to support itself, and administer the public affairs of the nation as they ought to be; and this last would, I am convinced, be the case if this Bill should pass into a law. For, as it certainly contains a total exclusion of all officers, civil and military, where must the crown go to find persons to fill up those employments as they shall become vacant? Gentlemen of figure or fortune in their country would not certainly accept of any of them, were they thereby to be branded with such a mark of infamy as to be rendered incapable of serving their country in parliament; so that the crown would be obliged to go among the very dregs of the people to find out persons who would undertake, or accept of any office under the crown; and thus, in a short time, we should have all our offices and employments, both civil and military, filled with creatures of no family or fortune in the kingdom: and if all our civil employments, but especially our military employments, should come into such hands, I would gladly know, from the gentlemen so fond of this Bill, if they would think the constitution safe under such an administration. This I take to be a very strong argument against the Bill, and I

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cannot really see any one argument for it; I can see no reason, why a gentleman, only because he is in employment under the crown, should be deprived of his birth-right, by being disqualified from sitting in parliament. It is certain, that the people at present do not think so, otherwise they would not chuse so many of those gentlemen as they do; and I must think, that it would be a very great encroachment on the rights of the people, to dictate to them in their choice, and to tell them, you shall chuse only such or such persons for your representatives in parliament. The laws, as they stand now, have, I think, provided sufficiently in this respect; if any gentleman accepts of an office or employment under the crown, he is sent down to be re-chosen, and if the people think him thereby disqualified, they may refuse chusing him again for their representative; but the many instances, which have even lately occurred, of gentlemen being re-elected upon such occasions, is with me a full proof, that the people do not think any gentleman disqualified from being their representative, by his having accepted of an office or employment under the crown. As for the South-Sea Scheme, which the honourable gentleman was pleased to mention, however destructive it was, it is certain it is not to be laid to the charge of the crown, or of the ministry even at that time. We all know how, and by what methods, it was carried through parliament: we know, that when the inquiry came to be made, it appeared, that those directors, who were let into the secret, and intrusted with the management of that scheme in parliament, were men of all denominations and complexions, and subscriptions were given to members of as different denominations and complections; by which there were, I believe, many more brought in to support that Scheme than were brought in by any ministerial influence: but whatever may be in that, it is well known that the ministers that now are, were strenuous opposers of that scheme; so that no argument can be drawn from thence, for or against any thing that is now proposed.

Sir *William Wyndham* said:

Sir; As it has always been my opinion that every man, who is in a place or office under the government, is not therefore necessarily to be supposed to be under any slavish influence as to his behaviour in this House, I have formerly opposed Bills of this sort; and if this Bill, when it may properly be called one, does appear to be the same with those which I have formerly opposed, I shall oppose this likewise. But the worthy gentleman, who brought in this Bill has already, in conversation, shewed me a good deal of difference between what is now designed, and the Bills I have formerly opposed; for which reason I shall be for going into a Committee upon it, because no man can well say any thing either for or against the Bill, as it now stands, it being really nothing but a blank; but when those blanks are filled up, and the Bill brought into such a shape, as to enable one to form some sort of judgment about it, I can then easily determine, what farther I am to do; and if it be not then made very different from the Bills I have formerly opposed, under the same title, I shall in this, as, I hope, I have on all other occasions, act consistently with myself, and oppose the Bill's being carried any step farther. At the same time, I must take notice, that the necessity for some such Bill is certainly much greater now than it was formerly; parliaments are now of a much longer continuance, and it must be granted, that a more intimate acquaintance and a more close correspondence between the crown and a parliament, may be contracted in a course of seven years, than could possibly have happened in a course of three years only. This is a most dangerous novelty, which has been lately introduced; and when such novelties are introduced into our constitution, if they cannot be shaken off, if things cannot be brought back to where they were, laws, which formerly were thought unnecessary and unreasonable, may then become both reasonable and necessary; and gentlemen who formerly opposed them may then think themseves obliged, both in honour and duty, to support and promote them to the utmost of their power.—As the Bill is now but a blank, we argue in the dark upon it, but if I have been rightly informed, there never was the least design of excluding all officers, civil and military; on the contrary, the great officers of state, the commissioners of the treasury, admiralty, trade, and many others in such offices are to be excepted: none of them are designed, nor indeed ought they to be excluded, because they are generally such who by their families and fortunes have a natural interest in the country, and may be chose members of parliament without any assistance from the board to which

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they belong. Such gentlemen may reasonably be supposed to be independent of the board, or even of any minister of state; but the same cannot be said of all the other little officers belonging to those boards or to any other office under the government; if such little officers should ever be brought into parliament, it must be by the unnatural interest of the board or office to which they belong; and as they will then be entirely dependent on the board or office to which they belong, not only for their seats in parliament but likewise for their daily bread, we cannot suppose, that their behaviour in this House will be absolutely free from ministerial influence; therefore I must think, that it may be very proper to exclude all such from being brought into parliament; for though it may be very proper to exclude all such from being brought into parliament; for though it may be necessary to allow a secretary of state, or any such great officer, a seat in this House, yet it is not at all necessary he should come here with his clerks, and the whole equipage of his office. Though the honourable gentleman, who spoke last, seemed to think that no argument could be drawn from the success of the late fatal South Sea-scheme, yet, I think he, from thence, gave us a very strong argument for some such bill as is now proposed, when he told us, that gentlemen of all denominations and complexions were drawn in to support that scheme, by means of the subscriptions, that were given them; for does not that shew, that men of all denominations and complexions are apt to have their inclinations biassed, and even their understandings blinded, in favour of that public measure, from which they expect to draw a private advantage? is not this one of the strongest arguments, that can be given, for us to take all possible care, that no member of this House shall ever have any private advantage to expect, or any private loss to fear, from his voting on either side of any question, that may happen in this House? and is not this a most unanswerable argument, for our agreeing to exclude those from seats in this House, who may have the whole, or at least the principal part, of their daily subsistence depending upon their way of voting or behaving, as members of this House. However, it is impossible to argue with any certainty, either for or against the Bill as it now stands; if the Bill, after it has passed through the Committee, shall appear to be an unreasonable, or an unnecessary Bill, we may easily prevent its going any farther; and therefore I must say, that I can see no reason for gentlemen's opposing our going into a committee upon it, unless it be, that they are afraid, lest it may be there made so good and so reasonable a bill, that they cannot then, with any confidence, oppose its being passed into a law.*

As soon as Sir William had done speaking,

Mr. *Horatio Walpole* rose and spoke to the following effect:

Mr. Speaker; The honourable gentleman, Sir, below me has told you, that he always opposed bills of the same nature with this now before us; and I was really heartily sorry to find him so much difficulted to find out somewhat in this bill different from those he has formerly opposed, insomuch, that he was at last even forced to own, that it was at present the very same sort of bill, but that in the committee, it might be made a different bill from what it now appears to be. I will not, Sir, ask the honourable gentleman, whether he was in place, or out of place, when he opposed such Bills; but I will say, that I have always opposed them both in place, and out of place; and as I take this to be the very same bill with those I have formerly opposed, I shall therefore be against the question now before us; and for all the gentleman has said, I make no doubt, but that we shall this day be both upon the same side of the question; for I dare say, he only meant to make some sort of compliment to his worthy friend over the way; but when it comes to the question, I am persuaded he will join with me, which, if he does, I will fairly promise him, that if any such bill be proposed when he is in place, and I am out, he shall have my assistance in opposing it.

We have been told, Sir, that though the bill, as it stands at present, be a total exclusion of all officers civil and military, yet there are to be many exceptions made, when we go into a committee upon it; I must say, that this raises my curiosity so much, as to give me some inclination to be for the question, because, by the exceptions those gentlemen are to propose, we

* The remainder of this very important debate is intirely omitted by Chandler; and which omission has led Mr. Coxe to conclude that sir Robert Walpole "did not even speak in the debate, but contented himself with giving a silent vote." See the Note to p. 368.

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may, I believe, pretty well guess what offices and employments they have chalked out for themselves; but as the time of this House ought not to be taken up about matters of curiosity only, therefore I shall not allow my curiosity to carry me so far, as to vote for this House's throwing away a day of their session, by going into a committee upon an affair, which, I am convinced, must prove fruitless in the end.

There are some gentlemen among us, Sir, whom I have formerly known to be in very good employments, under the crown, but now they happen to be out of place, and are become mighty patriots: It is true, there is something very sonorous and pompous in the name Patriot; but, I believe, those gentlemen looked upon themselves to be every bit as good men, and as firmly attached to the interest of their country, when they were called Secretaries at War, Cofferers, or the like; nay, I believe they not only thought so themselves, but would have been angry with any man, who would then have pretended to have thought otherwise of them.

The honourable gentleman, who spoke last, mentioned likewise the long continuance of our parliaments, and the great acquaintance and correspondence, which may, in a term of seven years, be contracted between them and the crown: from whence, Sir, I presume, we are in the session to have some debate upon that question too; and therefore, if we do agree to go into the committee proposed, I hope the gentleman will move for an instruction, for that committee to receive a Clause for shortening the continuance of our parliaments, that so we may make but one days debate of both questions, when that is over, we may have the call of the House, and then, I believe, the business of this session will be pretty well over.

Mr. *Pulteney* rose and said:

Sir; The worthy gentleman, who spoke last, has entertained the House with a good deal of his wit, but has not been pleased to give us any one argument against the question; and as I am very sensible of my own incapacity to contend with him in wit, I am sorry he did not vouchsafe to give me an opportunity of answering some of his arguments, if he has any, against our going into the committee proposed. He mentioned the word Patriot, and told us there was something very pompous and sonorous in the name; but, whatever that worthy gentleman may think of patriotism, I hope, Sir, it will never be laughed at, or turned into ridicule in this House, It is certainly the most glorious epithet, when justly applied, that ever was, or ever can be bestowed upon any man; and I should be sorry to find, that that gentleman with all his wit, or any other person with a little such sonorous wit, were able to laugh it out of these doors.

But now, Sir, as to the question in hand, I will venture to say, that every gentleman who has spoke against it, has entirely mistaken the nature of the bill now before us; they supposed it to be such a bill, as they have been pleased to represent, and came here provided with arguments, some in their heads, but, I believe, more in their pockets, against a bill, such as they had before supposed this to be; and now, when we have heard them, it is plain, that none of their arguments affect in the least the bill now before us. Gentlemen, and particularly one up in the corner, who tried a little at wit too, having supposed, that, by this bill, a total exclusion of all officers, civil and military, was intended; but they have been told, that no such thing was ever intended, or so much as dreamed of: they have been told, that all great officers are still to have, and, I think, ought to have seats in this House; but suppose, Sir, that it is intended to exclude such, as by the nature of their office, must either neglect their duty in parliament, or their duty in their office, which necessarily requires their attendance elsewhere; such, for example, as the commissioners of the revenue in Ireland; surely, Sir, this must be thought highly reasonable by a majority of this House, as well as by the generality of mankind; yet I doubt much, if the worthy gentleman in the corner would think so. Suppose again, that it were intended to exclude from seats in parliament those clerks, and deputies of offices, who have a continual dependance upon the crown, and are daily at the mercy of a minister, for being continued in, or turned out of that employment, from which they draw the principal part of their subsistence; might not this be done, Sir, without any injustice? can it be supposed, that the people would think themselves injured by such a regulation? such persons can never be supposed to act or vote with that freedom, which every member of this House ought to do; and, I am sure, it would be for the honour, as well as the freedom of parliament, to exclude all such persons; which is all that is intended by the bill now

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before us; and therefore it is evident, that none of the arguments made use of against the question, affect in the least the bill, which we have now under our consideration.

Gentlemen have insisted much upon the necessity we are under, of having always in this House some of those who are in public offices and employments; they have told us, that the knowledge of such gentlemen, in affairs of state, is superior to that of Country-gentlemen, or fox-hunters: It is true, Sir, they may, perhaps, know a little more of the management of public offices, and the methods of making up accounts, and raising perquisites, than gentlemen who never had the honour, nor the profit of being made acquainted with such things; but it will be allowed, I believe, that those gentlemen, who pay a large share of the taxes imposed, and feel the heavy burthen of them, because they are obliged to pay the whole out of their own private fortunes, will be a little more cautious, how they lay on such taxes, and more exact in seeing them properly and frugally applied, than those knowing gentlemen in public offices, who have large salaries, and many perquisites daily coming in. The case of such gentlemen really puts me in mind of a passage in the play, called the Funeral: I remember, Sir, an undertaker is there represented, as paying money to his mourners to look sad and dismal, and one of them he reprimands severely, for that, the more money he gave him to look sad, the more merry the fellow always looked: this is the very case with those gentlemen in offices: the more money they give in a parliamentary way, the more merry they look, for the more they give, the more comes into their pockets.

But, Sir, to be serious, for the subject is really of a very serious nature; it is certain, there never was a time, when this bill, or some such bill, was more necessary: the great power and influence of the crown in both Houses of Parliament, as well as in the elections of the members of this House, calls aloud for some regulation; it may soon be in the power of a minister, even before the election of a new parliament, to tell us what majority he will have in the ensuing parliament; he may have this House, or at least a majority of this House, and perhaps of the other too, in his pocket. This would be a most terrible misfortune; it is a misfortune which is just at our door, and if we allow it to enter, it will be impossible to get it out again; let us then do what we can; if we cannot get all we wish for, let us endeavour to exclude from seats in this House, at least those who are the immediate servile dependants upon a minister; if this is not done, our constitution must soon be undone; for let any future minister be as wicked, as rapacious, and as criminal as ever any minister was, who will attempt to accuse or impeach him in a House of Commons, where it is known he has a corrupt majority ready to acquit him of whatever crimes may be laid to his charge, even though his guilt should be made as manifest as the sun at noon-day?

Sir *William Yonge* rose and spoke to this effect:

Mr. Speaker; I have, I think, Sir, given all possible attention to every gentleman, who has spoke in this debate, and for my own part, I must say, I cannot discover, that there is any necessity, at present, for the bill now proposed to be committed: It is true, that such bills have been often brought in, and have sometimes been passed in this House, particularly in the reign of the late king William; and, as I was but the other day reading the History of that reign in a book lately published, I shall repeat, as far as my memory serves, the account the Historian gives of a Bill of this nature, and of those who then brought it in: He says, the persons, who were then the bringers in and supporters of that Bill, were either such as thought they had not been sufficiently rewarded for the services they had done in assisting to bring about the Revolution, or such who were, and always had been real enemies to the Revolution, both which parties joined in bringing that bill in, and getting it passed, in order to distress the measures of that glorious king, and to clog the wheels of his government.

This, Sir, is the account the Historian gives of a Bill of this nature, brought into this House at that time: I am far from throwing the same imputation upon the gentlemen who are the supporters of the bill now before us; I hope they act from quite different principles; but the attempting to make such alterations in our constitution, when there is no apparent necessity for it, does give some sort of ground for suspecting, that those who make such attempts, are influenced by motives different from those that are openly avowed: As I, Sir, can see no manner of reason for making, at present, such an alteration

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in our constitution, as that of excluding from Seats in Parliament all, or at least the greatest part of those who enjoy any office, civil or military, under the crown; I cannot therefore see any necessity for the bill now before us; and if the only view now be to exclude two or three clerks in offices from seats in parliament, I must think, that neither our constitution, nor the freedom of parliament, can be in any danger from three or four persons having seats in this House, let their dependance be never so great, or never so servile; and therefore, I do not think it worth while to take up the time of this House in passing any bill for such a purpose, or in going into a committee upon any such bill, for which reason I shall be against your question.

Mr. *Henry Pelham* said:

I do not stand up, Sir, to trouble you with any arguments against the commitment of the Bill, other gentlemen having before spoke sufficiently to that point; but, as clerks and deputies in offices have been mentioned, I stand up to speak for one, whose modesty will not allow him to speak for himself. I have the honour, Sir, to be in an office which is certainly very lucrative, as well as a place of great trust, and the gentleman, who is my deputy, is a member of this House, unknown to many gentlemen in the House, and beloved, I believe, by all that know him: It is well known that the security he gives for the faithful performance of his duty in that office is very considerable; it is such as, I am sure, must free him from all manner of suspicion among those he represents; for no man, who is capable of giving so large security, can be suspected of any such servile dependance as some gentlemen have been pleased to mention; it cannot be supposed, that such a gentleman owes his daily bread, or even the principal part of his subsistence, to the office he enjoys, or, that he would be guilty of such a heinous crime, as that of betraying his country in parliament, for the sake of continuing in that office. This, Sir, I thought it my duty to mention; but, as it is now so late, I will not give you the trouble of saying any thing as to the subject now in debate.

Lord *Catherlogh* said:

I believe, Sir, no man, who knows me, is ignorant of the many and the late obligations I owe to his Majesty, which I shall always be ready to acknowledge; and I shall endeavour to take all opportunities of shewing my gratitude for the favours I have received. While I have the honour to sit in this House, I think I cannot shew my gratitude to his Majesty better, than by performing my duty towards those I represent, because I always looked upon the interest of the king and the interest of the people to be inseparable; and therefore, as I think the bill now before us not only reasonable, but even necessary for the preservation of our constitution, I shall give my vote for our going into a committee upon it.

Sir *Robert Walpole* rose and spoke as follows:

It has always been my opinion, Sir, that we ought not to make any alterations in our constitution, but when there is an apparent necessity for doing so; and it is certain, that the time of this House ought not to be taken up with contriving new regulations, or passing bills for which there is no manner of occasion. In the present case, I have heard nothing that can in the least convince me of there being, at present, any necessity for the bill now before us, which of itself is to me a sufficient reason for my giving my vote against the present question; but the case of an honourable gentleman mentioned early in the debate, and what the noble lord who spoke last has said, is to me, and must, I think, be to every gentleman, a full proof, that there is no necessity for the bill now under our consideration, and is consequently an unanswerable argument for our not taking up the time of the House with going into a committee upon this, or any such bill; for when we see gentlemen who are in offices, gentlemen who own their many obligations to his Majesty, declaring their opinion, and giving their votes in this House, with the same freedom that other gentlemen do, it seems strange to lay it down as a maxim, that all gentlemen in offices act under a servile dependance upon the crown.

As to bills of this nature having been often proposed, or even passed in this House, it is no argument for our agreeing or disagreeing to it now: every proposition is a new proposition as often as it is made in this House, and is to be debated and considered upon its own merits only, without any regard to what is passed; for, what former parliaments have done, or have refused to do, can be no rule for us;

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and as the merits of every question must depend upon what has been said, or may be said, for and against it, I believe, without adding any thing further, I may leave the present question upon that issue.

As for Clerks and deputies in office, I am sure there are none such, who have now seats in parliament, that are not fully entitled to such seats by the properties they possess; and their own private fortunes must raise them as much above the suspicion of corruption, or of a servile dependance, as any gentleman in this House can well be; there are none of them but have fortunes of their own sufficient to support them as gentlemen, and whoever is so provided, cannot, from his circumstances, be suspected of any servile dependance; if there be any ground for such a suspicion, it must proceed from the temper of the mind, against which there is no fortune affluent enough for being a sufficient guard, nor could the law now proposed be of any effect against such men.

An honourable gentleman spoke of ministers having a House of Commons, even a House of Lords, in their pockets; I own this is language I do not understand: gentlemen are in this House at liberty to throw out whatever their imaginations may suggest; but they certainly ought to have some meaning in every thing they say. The honourable gentleman talked too of wicked ministers, and of impeaching criminal ministers; this, Sir, has often been talked of, but has yet appeared to be nothing but words; If I am the minister meant, I wish with all my heart they would begin; I am persuaded there are those who want not inclination, and God forbid, I should suppose they wanted abilities: If there were any probable ground, if there were the least foundation for impeaching any minister or ministers, I am fully convinced it would be impossible to withstand or evade such an impeachment; at least, I am sure I now speak in an assembly where, were I guilty, I could not expect to be acquitted, but while I am innocent, I may and I do depend upon it, that I never shall be condemned; for this reason, I say, I wish that gentlemen would begin; but while they talk only of impeachments, without proceeding any further, what they say must be looked on but as mere words to amuse the galleries, and embellish their speeches.

Mr. *Thomas Wyndham* said:

In my opinion, Sir, most gentlemen, and particularly the honourable gentleman who spoke last, have wandered very much from the question in debate: the only question now before us, is whether or no we shall go into a committee upon the Bill which has been now read a second time to the House? If the bill be a necessary or a reasonable bill, we certainly ought to go into a committee upon it; and if it be neither reasonable nor necessary, it is as certain we ought not to proceed any further.

As to its being a reasonable bill, it has been objected, that it would be injurious to the crown, to exclude all the servants of the crown from seats in parliament; but to this a full answer has already been made, that there is no design to exclude all the servants of the crown; the only design is to exclude all those servants of the crown whose duty demands their attendance elsewhere, or who, by the places they enjoy, may reasonably be supposed to be under a servile dependance upon the ministers of state: where, then, is the injury done to the crown, since his Majesty may still have most of his principal servants in this House, and is still at liberty to employ whomsoever he thinks proper, either in a military or a civil capacity?

It has been further said, that this bill would be an injustice done to the people, because it would limit them in their choice, and preclude them from chusing those whom they, perhaps, thought most proper for representing them in parliament; but, in my opinion, Sir, it is doing a favour to the people, to preclude them from putting a trust in those, who may, probably, be induced to betray that trust, by loading the people with all the taxes and burdens which a wicked and designing minister may propose: This, Sir, will be a real favour to the people, and a favour which they will soon become sensible of. It is true, as has been said, that when a gentleman accepts of a new office, he is sent back to his country to be rechosen, and it is likewise true that such gentlemen are often rechosen; but, do not we know that such gentlemen go back to their country with double credit: such a man has not only the interest he formerly had, but is now got into an office, he is now looked on as the favourite of the minister, some he promises to provide in places, others he is to save from pains and penalties; and thus, by the places he gets for some, and the fears he relieves others from, he purchases his borough for life, if his office be so: Is

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not this a sort of Corruption? And ought not we, Sir, to provide a remedy against this sort of Corruption, as well as that which is properly called Bribery?

Now, Sir, as to the necessity there is for some such bill as what is now proposed, the case of an honourable gentleman, who had virtue enough to withstand the menaces of a court; and the case of a noble lord, who always behaved with great honour in this House, have been made use of to shew that there is no necessity for such a bill; but are one or two instances to be made use of as an argument in an affair where hundreds might be brought upon the other side of the question? The instances of the other side are indeed kept much more secret, it is not easy to discover the motives of men's actions; but I am convinced there is not a gentleman in this House, who doubts but many such instances have happened; and the case of the honourable gentleman which is now made public, is a convincing proof of the danger of having a great number of gentlemen in this House, who have profitable employments depending entirely upon the pleasure of the crown, and consequently, upon the pleasure of the favourite minister.

It is certain, Sir, the circumstances of this country are much altered from what they were. Formerly the crown had so few places or employments to give, that if those who were in possession of them had all been in parliament, they could not have endangered our constitution; but now the servants of the crown have multiplied so much, what by new taxes, and by splitting of offices, that the most fatal consequence is to be feared from them; especially now that a seat in parliament begins to be thought almost necessary to qualify a man for a post or employment; in a little time, this House may be filled with the servants of the crown, though by our constitution we ought to be servants of our country: We are not to talk of what is the case at present, or of the gentlemen who have now the honour to be members of this House, as well as servants of the crown; they may, perhaps, be independent of the crown, they may act with absolute freedom in this House; but it is certain, that he must have more than common virtue, who will forfeit a lucrative post or employment, rather than submit sometimes to the directions of a prime minister, even as to his way of voting in this House; and therefore it is certain that, unless some such bill as this be passed, the majority of this House may come to be composed of servants of the crown who have not so much virtue as they who are now members of this House. I hope it will be agreed, that it would then be too late to think of any such bill as the present; for God's sake then, Sir, let us provide for the safety of our country, while it is in our power: If we do it now, we may soon be involved in ruin without any hopes of redemption; for the preventing of which, I think this bill absolutely necessary, and therefore I am most heartily for the question.

After him Mr. Clutterbuck spoke against the commitment, and then the question was put, and carried in the negative, 230 against 191.

Complaint against Sir William Milner, Bart. for receiving a Pension of 500l. per Annum for his Vote in Parliament.] Feb. 19. Complaint being made to the House, That William Noble, clerk, had asserted, in a public coffee-house, that sir William Milner, bart. member for York, received a pension from the court, and that he knew the person who paid it; in dishonour of the said sir William Milner, and in breach of the privilege of the House, Mr. James Farrer and Mr. Brudenell Greenwood, who had heard and reported this piece of conversation, attending at the door, they were called in, and examined touching the matter of the said Complaint; and upon declaring that they had heard Mr. Noble publicly assert, That sir William Milner was a pensioner, and received 500*l.* per annum for his voting in parliament, and that he knew from whom he received the same; it was ordered, "That the said William Noble, clerk, be summoned to attend the House forthwith, to answer the said complaint."

Mr. Noble, being called in and examined, acknowledged, That he might perhaps have said in private conversation, that he had heard of sir William Milner's having a pension from the court, or something to that effect; but as what he said upon that occasion, was said only cursorily in conversation, and without any design of reflecting upon any gentleman, he could not remember the very words he then made use of.

Sir William Milner's Defence.] He being withdrawn,

Sir *William Milner* stood up, and spoke as follows:

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Mr. Speaker; I am extremely sorry, that I should have the misfortune of having my name mentioned, in so infamous a manner as what you have now heard at your bar; but since it has been so mentioned, I think it incumbent upon me to make a public declaration of my own innocence: and I do, upon my honour, and in the most solemn manner, affirm, That I neither have nor ever had any place, pension, gratuity or reward, from the court, either directly or indirectly, for my voting in parliament, or upon any other account whatever: and likewise, That it is, and has ever been my constant resolution, that, during the time I have the honour of serving my country in parliament, in order to keep my opinion unbiassed, I never will accept of any place or pension either from this ministry, or any succeeding one. The reflecting upon the members of this House has been a common practice of late years, by the enemies of our constitution, to render his Majesty's government odious, to inflame the nation, and to lessen the dignity and authority of this House; for if mankind can be once brought to believe, that the members of this House are corrupted, it is a very natural consequence to imagine, that whatever is done here proceeds from private views, and a self-interested principle, without regarding the good of the public. For my own part, I think, if the gentleman, whose character should be sacred, can make good his assertions, he ought to have the thanks of this House, for doing his country so public a service, as the detecting a corrupt and unworthy member: but if it be false and groundless, I hope this House will have so just a regard for one of their own body, as to shew a proper resentment.

The said Complaint proved false and scandalous.] Then it was resolved, nem. con. "That it appears to this House, 1. That William Noble, clerk, has publicly asserted that sir William Milner, a member of this House, was a pensioner, and received 500*l.* per annum, for his voting in parliament; and that he knew from whom he received the same. 2. That the said assertion is false and scandalous, highly reflecting upon the honour of the said sir William Milner, and of this House, and a breach of the privilege thereof." And it was ordered, That the said William Noble, clerk, be, for the said offence, taken into the custody of the serjeant at arms attending the House.

Mr. Noble was accordingly taken into custody, but some days after, upon a Petition to the House, expressing his sorrow for his said offence, and begging pardon of the member and of the House for the same, he was discharged out of custody, paying his fees.

The Salt Duty continued to March 25, 1742.] Feb. 20. The House resolved itself into a committee to consider farther of ways and means for raising the supply granted to his Majesty; and resolved, That the several duties on Salt, and also on white and red herrings, delivered out for home-consumption, which by an act of the 5th year of his present Majesty's reign were revived and granted to his Majesty until the 25th of March 1735, be farther continued and granted from the 24th of March 1734, to the 25th of March 1742: this Resolution was next day agreed to by the House, and a bill ordered in pursuance thereof, which accordingly was brought in and passed into a law.*

March 7. The Bill for preventing the infamous practice of Stock-jobbing, was read a third time, and passed, and sir John Rushout was ordered to carry it to the Lords.

Debate in the Commons on Mr. Bromley's Motion for repealing the Septennial Act†.] March 13. Upon a motion made by Mr. Gibbon, it was ordered that the

* "Upon this resolution, a bill was immediately ordered in, and it passed into a law, after a very faint opposition, notwithstanding all the clamour that had been raised against the same duty some time before. But, in fact, the enemies, as well as the friends, of the minister, had measures to observe; and they knew that nothing could be more unpopular at the next general election, than to load the landed interest, by doubling the land-tax, which must have been the case, had not the salt-duty been continued to his Majesty." Tindal.

† "The most important and solemn debate that happened this session in the House of Commons, was that upon the motion for repealing the Septennial act. All the writers for the opposition had always presumed, that the minister found his account in septennial, more than he could do in triennial, parliaments; and as the prolongation of the time of a parliament's sitting from three to seven years, was no other than an expedient for preserving the peace of the nation at a particular juncture, the causes of which they presumed no longer to exist, they summoned up all their force to make a decisive push upon this occasion. Add to this, that frequent returns of an opportunity to

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Serjeant at Arms attending the House should go with the mace into the Court of Requests, and places adjacent, and summon the members there to attend the service of the House; and he being returned,

Mr. *William Bromley*, member for Warwick, stood up and spoke as follows:

Mr. Speaker; The call of the House being adjourned to a very remote day, upon a general opinion, which I hope is well founded, that no Vote of Credit will be proposed, I believe we can scarce expect to see a fuller House than this day produces. There cannot therefore be a better opportunity of making a motion which I apprehend to be of such a national concernment, that I have long wished it undertaken by some person better able to support it than myself: but I have this satisfaction, that what I am going to offer will so far speak for itself, as may supply any defects in my manner of laying it before you; and I cannot doubt the concurrence of this House, when it comes to be maturely considered.

I believe we are none of us unapprised of the dislike the people in general have always had to long parliaments; a dislike justly founded on reason and experience; long parliaments in former reigns having proved the unhappy cause of great calamities to this nation; and having been at all times declared an innovation upon our constitution. I am convinced there is no one that hears me, who does not believe the people thought themselves highly aggrieved by the Septennial Bill: that they even looked upon it as a dangerous infringement of their liberties, notwithstanding the cause alledged in the preamble to the act, which seemed at that time to carry some weight with it.

That cause being happily removed, they desire to revert, as near as may be, to their ancient constitution; and surely there can never be a more favourable opportunity to effectuate it than at this juncture, when his Majesty, to the great joy of the kingdom, has been graciously pleased to declare his satisfaction, that the people are soon to have an opportunity of chusing a new representative. The present parliament draws near its dissolution: what can it do more for its own honour? How can it crown its many meritorious acts better, than by redressing a grievance, which a succeeding parliament may possibly have its reasons for not entering into?

Frequent parliaments were early declared a fundamental part of our constitution. In the 4th of Edward 3, an act

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vote, being most agreeable to the generality of electors all over the kingdom, the friends of the motion were in hopes of being able, even though they should not succeed within doors, to strengthen their interest without." Tindal.

"The subject which of all others employed the eloquence and abilities on both sides to the most vigorous exertion, was a motion made by Mr. Bromley, who proposed that a bill should be brought in for repealing the Septennial act, and for the more frequent meeting and calling of parliament. The ministry now insisted upon the increase of papists and jacobites, which rendered it dangerous to weaken the hands of the government: They challenged the opposition to produce one instance in which the least encroachment had been made on the liberties of the people since the Septennial act took place; and they defied the most ingenious malice to prove that his present Majesty had ever endeavoured to extend any branch of the prerogative beyond its legal bounds. Notwithstanding the most warm, the most nervous, the most pathetic remonstrances in favour of the motion, the question was put, and it was suppressed by mere dint of number." Smollett.

"The question on which the opposition founded their principal hopes, if not of success at least of embarrassing the minister, was a proposal to repeal the Septennial bill, which was first introduced on this occasion, and afterwards annually renewed. It had been long a matter of surprise, that a question which was so well calculated to increase their popularity, had not been proposed before. But the fact was, that in this particular instance the opposition was divided. The Tories and Jacobites, who had strenuously resisted the introduction of the Bill, could not obtain the co-operation of the disaffected Whigs, as it seemed to imply a dereliction of their principles, to vote for the repeal of a bill which they had once thought necessary for the security of the Protestant succession. At the repeated instigations of Bolingbroke, sir William Wyndham and the leading Tories persisted, and at length carried their point. The Whigs reluctantly complied, and proved, by their manner of conducting the debate, the awkward situation in which they were placed. The motion was made by Bromley, and seconded by sir John St. Aubyn. The only Whigs of any consequence who spoke for the question, were sir John Barnard, who said only a few words, and Pulteney, who rose late in the debate. He made a short speech, and prefaced it with an apology for his apparent inconsistency, in voting for the repeal of a bill which he had supported at the time of its introduction." Coxe's Walpole.

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passed for holding them once a year, or oftener, if there should be occasion. In the 36th year of the same reign that statute was confirmed. In that parliament Magna Charta and Charta de Foresta were confirmed, and several new privileges granted to the subject. Then comes the clause relating to Parliaments, which sufficiently shews, the intention and original institution of them was for the redress of Grievances: for the bill enacts, That for the maintenance of the said articles and statutes, that is, the privileges beforementioned, and for redress of divers mischiefs and grievances, which daily happen, a new parliament shall be held once every year, as at another time was ordained. The 16th of Car. 2. recites, That by the ancient laws and statutes, parliaments are to be held very often, and therefore enacts, That the sitting and holding of parliaments shall not be intermitted, or discontinued, for more than three years.

In the early days when this prudent care was taken for frequent meeting of parliaments, the crown was possessed of revenues, which made applications to the people for money, unless upon extraordinary emergencies, unnecessary. It therefore plainly appears, That redress of grievances, making salutary laws for the good of the community, and preserving the liberties of the people, by supporting a due balance between the power of the crown and the rights of the subject, were the main ends of calling parliaments. The power of calling then being the undoubted prerogative of the crown, it became necessary, for the safety of the subject, to oblige the crown to call them frequently. I must confess, a caution of this kind is no longer necessary, nor can it ever be, so long as we preserve to ourselves the power of granting money; the crown revenues being sunk, or wantonly granted away, the annual call for a Supply must necessarily produce an annual meeting of parliament. But give me leave to observe, the grievance now complained of is of a very different nature: It is not founded on discontinuance of parliaments; but on a too long and dangerous continuance of one and the same parliament: a practice unheard of in former times, when prorogations were not known: for when a parliament was annually called for the redress of grievances, as soon as the business of the session was over, it was dissolved, and a new one called the next year for the same purpose; by which means the country had a proper check upon their representatives, and those who had appeared to be too much under the influence of the crown; those who were too much attached to the minister, had less opportunity of injuring their country; the people had it more frequently in their power to shew a proper resentment, and remedy the evil by sending others the next year in their places.

This matter seems fully explained by 16 Car. 2, which does not only prevent discontinuance of parliaments, but wisely provides against the too long continuance of one and the same parliament, by enacting it into a law, That a new parliament shall be called once in three years, or oftener if there be occasion. The Bill of Rights in the second session of William and Mary, among many other privileges which we now enjoy, enacts, That for redress of grievances, amending, strengthening and preserving laws, parliaments ought to be frequently held;* and the sixth of the same reign, explains the true meaning of the clause, when it declares, That frequent and new parliaments tend very much to the happy union and good agreement between the king and the people; it confirms the 16 Car. 2, that parliaments shall be held once in three years at least, and adds, That no parliament shall continue more than three years at farthest. Between that and the first of the late king, several parliaments were held, and none continued longer than three years; some held for one session; which seems to be the original constitution, and best calculated for the good of the nation. That year the Septennial Bill past, the repeal of which I am going to move, but believe it more agreeable to the rules of the House, that the Act itself should be first read. [Here the clerk read the Act.] The preamble to the Bill, which is the foundation of it, will, I think, admit a very easy answer; as to the first point, that triennial parliaments have proved more grievous, burthensome, and expensive, than they were ever known before that law past, I readily agree: but let us consider the cause; the lengthening the term occasioned the expence. I fear I might add, the multiplicity of places enjoyed by the members of this House, may be too justly alledged another cause. But I would willingly confine myself to the particular point, how far the term or duration of parliaments might encrease or lessen

* See Vol. 5, p. 110.

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the expence? Might add to or diminish the grievance complained of? And I will consider it only in this light, by submitting it to every gentleman that hears me, Whether he would not give more for an annuity of three years than for a grant determinable at the end of one? And by the same parity of reasoning, Whether septennial parliaments must not prove more grievous, burthensome and expensive than triennial, at least in such a degree as an annuity for seven years deserves a better consideration than one for three.

But supposing I should be out in this point, which I can never give up without due conviction; this argument in the preamble is, I hope, entirely at an end. The act against Bribery and Corruption, which must ever redound to the honour of this parliament, will necessarily remedy this evil: that glorious act will prevent corruption in the electors. Nothing but frequent new parliaments can remedy it in the elected.

The other reason upon which that act was founded, namely, a suspicion that designs were carrying on to renew the Rebellion, and an invasion from abroad, was in my humble opinion, the only justifiable pretence for enacting it into a law; and might possibly have induced some gentlemen of very great honour and integrity, to give their votes for the Bill at that juncture, whose assistance, I flatter myself, I shall now have in repealing it: for those who voted for it from that view, could never intend it should be made perpetual, or that it should continue longer than that misfortune subsisted.

I must beg pardon of you, Sir, and of the House, for the trouble I have given you. The nature of the motion I am going to make you, has unavoidably drawn me into a length as disagreeable to myself, as it must have been to those that hear me. Numberless arguments will occur to every gentleman in favour of it; I will therefore conclude with this motion, viz.

"That leave be given to bring in a Bill for repealing the Septennial Act, and for the more frequent meeting and calling of Parliaments."

In this, Sir, I hope I shall be justified, as it cannot proceed from any indirect or private views; but from a real conviction, that the happiness and safety of this nation depends upon it; in which I am supported by the common voice of the people, and have it particularly recommended to me by a great majority of those I have the honour to represent in Parliament, as well as from my neighbours of the city of Coventry, for whose recommendation I shall always have a due regard, though I have not the honour to represent them.

Mr. Bromley was seconded by

Sir *John St. Aubyn*, as follows:

Mr. Speaker; The honourable gentleman, who made you this motion, has supported the necessity of it by so many strong and forcible arguments, that there is hardly any thing new to be offered. I am very sensible therefore of the disadvantages I must lie under, in attempting to speak after him; and I should content myself with barely seconding him, if the subject-matter of this debate was not of so great importance, that I should be ashamed to return to my electors, without endeavouring, in the best manner I am able, to declare publicly the reasons, which induced me to give my most ready assent to this question.

It is evident from what has been said, that the people have an unquestionable right to frequent new parliaments by ancient usage; and that this usage has been confirmed by several laws, which have been progressively made by our ancestors, as often as they found it necessary to insist on this essential privilege.

Parliaments were generally annual, but never continued longer than three years, 'till the remarkable reign of Henry 8th. He was a prince of unruly appetites, and of an arbitrary will: he was impatient of every restraint; the laws of God and man fell equally a sacrifice as they stood in the way of his avarice, or disappointed his ambition; he therefore introduced long Parliaments, because he very well knew that they would become the proper instruments of both; and what a slavish obedience they paid to all his measures is sufficiently known.

If we come to the reign of king Charles I, we must acknowledge him to be a prince of a contrary temper; he had certainly an innate love for religion and virtue, and of consequence for the liberty of his country. But here lay the misfortune. He was led from his natural disposition by sycophants and flatterers; they advised him to neglect the calling of frequent parliaments, and therefore, by not taking the constant sense of his people in what he did, he was worked up into so high a notion of prerogative, that the Commons, in order to restrain it, obtained that indepen-

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dent fatal power, which at last unhappily brought him to his most tragical end, and at the same time subverted the whole constitution. And I hope we shall learn this lesson from it, never to compliment the crown with any new or extravagant powers, nor to deny the people those rights which by ancient usage they are intitled to; but to preserve that just and equal balance, from which they will derive mutual security; and which, if duly observed, will render our constitution the envy and admiration of the world.

King Charles 2. naturally took a surfeit of Parliaments in his father's time, and was therefore extremely desirous to lay them aside: but this was a scheme impracticable. However, in effect he did so: for he obtained a Parliament, which by its long duration, like an Army of Veterans, became so exactly disciplined to his own measures, that they knew no other command but from that person who gave them their pay.

This was a safe and most ingenious way of enslaving a nation. It was very well known, that arbitrary power, if it was open and avowed, would never prevail here. The people were therefore amused with the specious form of their antient constitution: it existed indeed, in their fancy; but, like a mere phantom, had no substance or reality in it; for the power, the authority, the dignity of parliaments were wholly lost. This was that remarkable parliament, which so justly obtained the opprobrious name of "The Pensioner Parliament," and was the model from which, I believe, some later parliaments have been exactly copied.

At the time of the Revolution, the people made a fresh claim of their ancient privileges; and as they had so lately experienced the misfortune of long and servile parliaments, it was then declared, That they should be held frequently. But it seems their full meaning was not understood by this declaration; and therefore, as in every new Settlement, the intention of all parties should be specifically manifested, the parliament never ceased struggling with the crown until the Triennial Law was obtained: the preamble of it, which the honourable gentleman has recited, is extremely full and strong; and in the body of the bill you will find the word 'Declared' before 'Enacted,' by which I apprehend, that though this law did not immediately take place at the time of the Revolution, it was certainly intended as declaratory of the first meaning; and therefore stands as part of that original contract, under which the constitution was then settled. His Majesty's title to the crown is primarily derived from that contract: and if, upon a review, there shall appear to be any deviations from it, we ought to treat them as so many injuries done to that title. And I dare say, that this House, which has gone through so long a series of services to his Majesty, will at last be willing to revert to those original stated measures of government, to renew and strengthen that title.

But I think the manner in which the Septennial Law was first introduced is a very strong reason why it should be repealed. People in their fears have very often recourse to desperate expedients, which if not cancelled in season, will themselves prove fatal to that constitution which they were meant to secure. Such is the nature of the Septennial Law: it was intended only as a preservative against a temporary inconveniency, the inconveniency is removed, but the mischievous effects still continue; for it not only altered the constitution of parliaments; but it extended that same parliament beyond its natural duration; and therefore carries this most unjust implication with it, That you may at any time usurp the most indubitable, the most essential privilege of the people, I mean that of chusing their own representative. A precedent of such a dangerous consequence, of so fatal a tendency, that I think it would be a reproach to our Statute-book if that law was any longer to subsist, which might record it to posterity.

This is a season of virtue and public spirit. Let us take advantage of it, to repeal those laws which infringe on our liberties, and introduce such as may restore the vigour of our ancient constitution. Human nature is so very corrupt, that all obligations lose their force, unless they are frequently renewed. Long parliaments become therefore independent of the people; and when they do so, there always happens a most dangerous dependence elsewhere.

It has of late been denied, that the people have a right of remonstrating to us. It has been called an unjustifiable controul upon the freedom of our proceedings. But then, let them have more frequent opportunities of varying the choice of their representatives, that they may dismiss such who have unfaith-

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fully withdrawn their attention from them.

The influencing powers of the crown are daily increasing, and it is highly requisite that parliaments should be frequently responsible to their constituents; that they should be kept under the constant awe of acting contrary to their interests. Modern history, I believe, will inform us, that some very dangerous attempts upon our liberties have been disappointed. Not so much from the virtue of many in this House, as from the apprehensions they may have had of an approaching election.

It is true, there is a provision against such whose places vacate their seats here; but this is no guard against Secret Pensioners and Placeholders. Give me leave to say, that the laws, with respect to them are very insufficient; and as we were not allowed to make them effectual, the people have no other remedy but a new election.

I think that long parliaments are a great hardship upon those, who may be excluded out of this House, and ought reasonably to take their turn: but seven years is the purchase of a man's life. It is equally hard upon such, whose private fortunes will not admit them to engage in so long and painful a service. It must be so to those who mean no view nor advantage by it.

I think too, that nothing can be of greater use to his Majesty than frequent new parliaments; that he may often take the fresh sense of the nation, and not be partially advised: for his measures will always have a greater weight both at home and abroad, the more generally he refers himself to the opinion of his people.

A farther mischief of long parliaments is that a minister has time and opportunities of getting acquaintance with members, of practising his several arts to win them into his schemes. But this must be the work of time. Corruption is of so base a nature, that at first sight it is extremely shocking. Hardly any one has submitted to it all at once. His disposition must be previously understood, the particular bait must be found out, with which he is to be allured, and after all, it is not without many struggles that he surrenders his virtue. Indeed, there are some who will at once plunge themselves over head and ears into any base action, but the generality of mankind are of a more cautious nature, and will proceed only by leisure degrees. One or two perhaps have deserted their colours the first campaign, some have done it a second. But a great many, who have not that eager disposition to vice, will wait till a third.

For this reason, short parliaments have been less corrupt than long ones; they are observed, like streams of water, always to grow more impure, the greater distance they run from the fountain-head.

I am aware it may be said, that frequent new parliaments will produce frequent new expences, but I think quite contrary: I am really of opinion, that it will be a proper remedy against the evil of Bribery at elections, especially as you have provided so wholesome a law to co-operate upon these occasions.

As to Bribery at elections, whence did it arise? Not from country-gentlemen, for they are sure of being chose without it; it was the invention of wicked and corrupt ministers, who have from time to time led weak princes into such destructive measures, that they did not dare to rely upon the natural representation of the people. Long parliaments first introduced bribery, because they were worth purchasing at any rate; country-gentlemen, who have only their private fortunes to rely upon, and have no mercenary ends to serve, are unable to oppose it, especially if at any time the public treasure shall be unfaithfully squandered away to corrupt their boroughs. Country gentlemen, indeed, may make some weak efforts, but as they generally prove unsuccessful, and the time of a fresh struggle is at so great a distance, they at last grow faint in the dispute, give up their country for lost, and retire in despair. Despair naturally produces indolence, and that is the proper disposition for slavery. Ministers of State understand this very well, and are therefore unwilling to awaken the nation out of its lethargy by frequent elections. They know that the spirit of liberty, like every other virtue of the mind, is to be kept alive only by constant action, that it is impossible to enslave this nation, whilst it is perpetually upon its guard. Let country gentlemen then, by having frequent opportunities of exerting themselves, be kept warm and active in their contention for the public good: This will raise that zeal and indignation which will at last get the better of those undue influences, by which the officers of the crown, though unknown to the several boroughs, have been able to supplant country-gentlemen of great characters and fortune, who live in their neighbourhood. I do not say this upon

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idle speculation only. I live in a country where it is too well known, and I will appeal to many gentlemen in the House, to more out of it (and who are so for this very reason) for the truth of my assertion. It is a sore which has been long eating into the most vital part of our constitution, and I hope the time will come when you will probe it to the bottom. For if a minister should ever gain a corrupt familiarity with our boroughs, if he should keep a register of them in his closet, and, by sending down his treasury-mandates, should procure a spurious representative of the people, the offspring of his corruption, who will be at all times ready to reconcile and justify the most contradictory measures of his administration, and even to vote every crude indigested dream of their patron into a law; if the maintenance of his power should become the sole object of their attention, and they should be guilty of the most violent breach of parliamentary trust, by giving the king a discretionary liberty of taxing the people without limitation or controul; the last fatal compliment they can pay to the crown: if this should ever be the unhappy circumstance of this nation, the people indeed may complain; but the doors of that place where their complaints should be heard, will for ever be shut against them.

The power of the crown is very justly apprehended to be growing to a monstrous, I should have said, too great a size, and several methods have been unsuccessfully proposed for restraining it within its proper bounds.

But our disease, I fear, is of a complicated nature, and I think that this motion is wisely intended to remove the first and principal disorder. Give the people their antient right of frequent new elections; that will restore the decayed authority of parliaments and will put our constitution into a natural condition of working out her own cure.

Upon the whole, I am of opinion, that I cannot express a greater zeal for his Majesty, for the liberties of the people, or the honour and dignity of this House, than by seconding the motion which the honourable gentleman has made you.

Mr. *Conduit* spoke next:

Sir; As I happen to differ in opinion from the two honourable gentlemen who have spoke in favour of this motion, I shall endeavour to follow them in every thing they have said, and give my reasons for not thinking the arguments they have made use of any way conclusive. They have talked a great deal of our antient constitution, and seem, I think, mighty desirous of reverting to it; but if gentlemen will consider the disadvantages as well as the advantages which attended every part of our old constitution, I believe they will not be so very fond of returning to it. I shall agree that there were such old statutes as have been mentioned, relating to the frequent holding of Parliaments; but that gentlemen may recollect a little the nature of those Parliaments, and the rights and prerogatives which the crown at that time enjoyed, or at least pretended to, I shall beg leave to read some extracts which I have taken from one of our most judicious writers about parliamentary affairs; I mean the famous Mr. Prynne, [here he read some extracts from his Writings, shewing the many powers and prerogatives which our kings of old pretended to.] Thus we may see that the kings of England had antiently such prerogatives as would be very inconsistent with those privileges which the people of this nation now enjoy. This was our old constitution, and I should be glad to know, if it be to this form of government that gentleman would have us to return.

The honourable gentleman mentioned next the heavy complaints that were made against king Charles the first, and his son king James the second, and the great misfortunes which both these princes fell into by not giving ear to those complaints; but I must take notice, that there never was a complaint against either of them for continuing the same Parliament too long; all the complaints against both were, for not calling or holding any Parliament for several years together; and this it was that brought all their misfortunes upon them. And as to the long Parliament in king Charles the second's reign, it is certain that there was a great deal more of reason to complain against their conduct during the first years of their sitting, than there was towards the latter end; so that no part of the history of either of these three reigns can afford so much as a plausible argument in favour of the motion now made to us.

It has been alledged, that the crown must always necessarily have a much greater influence upon Septennial Parliaments, than it can ever have upon those which are chosen and continued only for three years: but it is my opinion, if ever the

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crown should attempt, if ever any ministry should be wicked enough to endeavour to gain a corrupt influence over the Parliament, it will be as easy to gain it over the one sort of Parliament as over the other. For if ever the members chosen and returned, or the majority of them, should be such as will stoop to corruption, the infection may be easily spread, the alluring baits may be thrown out in seven days as well as in seven years; nor do I think it such a difficulty or tedious affair to find out who may be the persons proper to be wrought on; that is a knowledge that may be easily acquired after the elections are over, and before it may be necessary for the Parliament to meet. Nay, if ever such a thing should happen (which I hope never will) I am convinced it would be much more easy for such a ministry to manage a Triennial Parliament, than it will ever be to manage a Septennial: for it is well known how strongly men may be wrought on by hopes and promises; and it is certain, that by such hopes and promises, some might be kept firmly attached to a court and ministry for two or three years, who could not be kept so for four or five. Therefore I must conclude, as hopes and promises are more easily given than pensions or bribes, it would be more easy for the ministers to keep a Triennial Parliament depending upon them, than to keep a Septennial in any sort of dependence. And as to past times, we by experience find, that the court has never gained much by long Parliaments; on the contrary, we have always found that the party against the court has gradually increased in number by the long continuance of the Parliament; insomuch that from a small minority in the beginning, they have often come up to very near an equality, sometimes to a majority before the end; so that if we reason either from the nature of mankind or from experience, we must conclude, that the liberties of the people are better secured by Septennial, than they can ever be by Triennial Parliaments.

The present power of the crown has been set in the most hideous light, and the number of places now at the disposal of the crown, has been represented as of the most dangerous consequence to the independency of parliament. But in this I must think that gentlemen are likewise very much mistaken: I must even think, that the disposal of those posts and places which are necessary for the support of our government, rather weakens the influence and interest of the crown, both in the Parliament and in the country; because it is certain, that there is never any post or place to be disposed of, for which there are not three or four candidates at least; the crown can give it but to one, and by giving it to any one of the four, the other three are disappointed and disobliged, by which the crown very probably raises up three enemies, for the sake of securing one friend, upon whom no very great dependance can perhaps be had: for if it be a place for life, the person who got it becomes then independent upon the crown, and may soon come to be disobliged, by being refused some second favour. This every man who hears me, must by his own experience be convinced of; and therefore though it be absolutely necessary for the executive part of our government which is lodged in the crown, to have the disposal of those posts and places, yet it cannot from thence be inferred, that the power of the crown is thereby greatly increased.

The honourable gentlemen seemed to insinuate, that the principal motive for passing the Septennial Bill now no longer subsisted; but in this also I must beg leave to differ from them. It is true, one of the motives for passing that Bill was, the great ferment which the nation was then in; but this was not the principal motive, and if it had been so, that motive is very far from ceasing to subsist: does not every gentleman know what a spirit of discontent, nay I may say of disaffection, was artfully raised over the whole nation but last year? And can any gentleman say that that spirit is totally subsided? Or can any gentlemen believe that there was not a great deal of the spirit of Jacobitism at the bottom of those discontents, which were then without any ground, endeavoured to be raised? I am persuaded, that the ferment the nation is now in, and the ferment it was in when the Septennial Bill was passed into a law, proceed originally from the same cause, therefore I must take the motive for continuing it, to be now much the same with that which was then for enacting it; and as the motive is now the same, I hope it will prevail with this House not to repeal a law from which the nation has received so great benefit.

Sir *Thomas Robinson* spoke as follows:

Sir; I cannot content myself with barely giving a negative to this proposi-

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tion, but must beg your indulgence in offering a few reasons which will induce me to be against it, and to make two or three observations upon what has fallen from the honourable gentlemen who have introduced and spoke in favour of it. In my opinion, we should fix the duration of parliament to a shorter or a longer period, according as it will promote the welfare of the nation, and support and strengthen our present constitution; and when that is once fixed, the consideration whether the thing be popular, or unpopular, or whether it may be consonant to the practice of our ancestors, ought not to influence any gentleman in giving his vote. It has been said by the honourable gentleman who spoke first, that the renewing of the Triennial Bill will lessen the expences at elections. I think nothing is more demonstrable, than that frequent elections will always occasion frequent expences, and other irregularities, too notorious not to lie within the compass of every man's observation; and that men's minds, which never failed to be inflamed in a contest between two parties, will always preserve those heats in view of a quick return of electing: that these and many other inconveniences can be fairly charged on Triennial Elections, is indisputably true; and if Septennial Parliaments do not entirely remove these evils, at least they mitigate their influence. Gentlemen have urged that expences at elections are voluntary; this is indeed in some measure true, but by this alteration of the law, the temptation will never be at a great distance; the opportunity for corruption, idleness and debauchery, will happen once in three years, instead of once in seven; for I am afraid the law we have lately made, which the honourable gentleman who made the motion has taken notice of, cannot yet have produced the good effect we expected from it. Reformation of any kind cannot be brought about on a sudden, especially in things of this nature, where the lower class of the people are parties concerned. Sir, the law for Triennial Parliaments continued in force for 22 years. In that time many inconveniences were found from it; it was likewise found that in many respects it did not answer the end for which it was made. I think it lies upon those gentlemen who are advocates for this proposition, and which ought to be the foundation of their arguments in support of it, to shew us what the evils are which are attendent upon Septennial Parliaments, and how they would be removed by the alteration proposed. If they had done this, if any such thing could be done, the argument would have some weight; but to me this appears so far from being the case, that on the contrary, how many good laws have passed in favour of the subject, how little reason have the people of England to be displeased with the actions of their representatives since the Septennial Act took place, which is eighteen years ago? What has been done within every man's memory, cannot be liable to any misrepresentation. Histories of former parliaments, or of past times, may be partially related, but our own experience cannot deceive us; and I appeal to those who now hear me, whether we have yet had any reason to complain of the conduct of Septennial Parliaments. And besides there is no mischief can be done the subject in a Septennial Parliament, which may not be done in a Triennial; but on the contrary, the short duration of a Triennial will not allow sufficient time to the completing many good undertakings, which may be accomplished by a Septennial. Mischief being of its own nature of quick growth and soon brought to maturity; whereas schemes for a general good ripen by slow degrees, and require a length of time in rearing up to perfection. Gentlemen have brought arguments in support of this proposition from the practice and laws of our forefathers, and deduce the expediency of the Triennial Bill, from the original formation of our constitution. For my part, I do not comprehend what is meant by our old constitution, and therefore when gentlemen make use of the expression, our old constitution, I must look upon it as an indefinite term, which can admit of no direct answer. But would they fix it to any reign or number of years, I could undertake to shew, that in no period of time they shall fix on, since the conquest, we ever had such a one as we should be now willing to submit to, and rest satisfied with. I know of no settled constitution till the Revolution; it is from that happy period I date our having any at all. It may indeed be agreeable to the antient laws of the realm, that there should be frequent parliaments, that is, that parliaments should be frequently holden; but from whence will gentlemen prove, that it has been established as a fundamental maxim in what is called our old constitution, that there should be frequent elections; sure at least

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I am, if the nature of our constitution required that there should be such, the practice of our ancestors has not always corresponded with it. It would be a tedious task to shew in what manner parliaments have been called and holden, and to trace out all the variations of our laws, or rather practice, in this respect, since the conquest, 200 years after which, I believe, there was no such thing in being as a House of Commons; at least, if there was any such assembly, they met but very seldom. But gentlemen's thoughts will prevent me in what I could offer upon this head, and therefore I shall not enter into a detail of particulars with which many others may be much better acquainted: only in general, I will venture to say, that from the earliest records of time to the Revolution, the crown made use of their prerogative so far with regard to parliaments, that the people never knew when there would be a new election, or how long the power they gave their representatives when elected, might be continued to them. If we look back into our history, we shall find in some reigns, parliaments chosen by the people, and dissolved by the crown before they were suffered to meet at all; in other reigns a very long intermission of parliaments, and in others again a parliament perhaps in being, but for many years successively, not once sufferred to sit. These, Sir, were real grievances: and in this reforming age, we seem to be as uneasy, and as fond of taking precautions against imaginary dangers, as ever our ancestors were about providing against those that were real.

My worthy friend and contemporary at the University, who seconded the motion, has shewn the practice of several of our former kings in this particular, and indeed has spoken in favour of the motion, with so much decency and weight, that it requires one much better skilled than I am in our English history and parliamentary proceedings, to do the same justice to the other side of the question: but he has quoted two reigns, which will, in my opinion, both turn against the motion he has so handsomely supported. These, Sir, are the reigns of king Charles 1, and king Charles 2, but before I take notice of them, give me leave to mention another reign, I mean that of queen Elizabeth, which both the worthy gentlemen have very prudently avoided mentioning upon this occasion, though it be a reign that is seldom forgot to be brought upon the carpet, when a comparison is to be made, in order to depreciate the actions and measures of the present times: In the long reign of that queen, a reign which lasted 44 years, there were in all but ten parliaments chosen; in these ten parliaments there were but 13 sessions, and except the last, never any of these sessions continued many weeks together. Besides, Sir, however glorious the reign of that princess may be in other respects; yet it is certain, that in many instances she used her parliaments in such a manner, as I hope we shall never see parliaments treated for the future.

As for the reign of king Charles the First, I little expected, Sir, that reign would have been introduced in this debate, especially by those who are advocates for this question: for surely that reign ought to be buried in oblivion, by those who would plead for the liberty of the subject, and are for lessening the prerogative of the crown; because in no preceding reign was the last ever carried higher, or the other in greater danger of being utterly subverted and destroyed. Were it necessary for the point I am contending for, I would undertake to prove, that as long as he had any power, he was daily attempting, by his prerogative, to have made parliaments useless: and therefore I shall easily agree with the honourable gentleman, that he neglected calling frequent new parliaments. But give me leave farther to observe, that during that king's reign, no parliament was called, there was not so much as one in being; no! not for 12 years together; during which time, history does not give the most favourable account of him, with respect to his several attempts upon the liberties of his subjects, which the honourable gentleman has put a very handsome gloss upon, by saying, that these attempts were made by advice of sycophants: Whoever the authors were, Sir, the facts are true; and the consequences, had they not been prevented, must have proved fatal to the rights of the people. When I have said this, I would not have it understood, as if I approved of the steps afterwards taken, by which that prince was brought to his tragical and untimely end; but as his fate ought to be a warning to all future princes, not to make any incroachments upon the liberties or privileges of the subject, so it ought to be a warning to all those who are true lovers of our constitution to be extremely cautious of introducing any new regulations or unneces-

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sary amendments. And this, Sir, I take to be a lesson much more proper for the present question, than that which my honourable friend has been pleased to recommend to us from the fate of that prince; since the question is not now about complimenting the crown with any new or extravagant powers, nor about denying the people those rights, which they are entitled to by law. I was surprised, Sir, to hear the Long Parliament of king Charles 2, which continued 17 years, so much as mentioned by those who are for shortening the duration of parliaments; for, in my opinion, the conduct of that parliament, if it proves any thing, shews, that the long duration of a parliament does not necessarily make it entirely subservient to the will of the prince. Though that parliament has since been treated with great indignity, though I will not now take upon me to determine whether it deserved the usage it has met with from some people; yet I think I may say, that a majority of the members thereof, especially towards the end of it, were steady in the support of the liberties of the people; and had not they made a noble stand against the attempts of the crown in those days, we should not now have been debating this point. Thus, Sir, the instance of this parliament, if it proves any thing, I say, proves that the parliament, which sat the longest ever any did in England, could not be influenced by the crown to come into measures inconsistent with the liberties of the people: And if gentlemen will but recollect the annals of that parliament they will find, that it was more subservient to the court, the first, second and third years, than it was the sixth or seventh; and it was less so the eleventh or twelfth, than it was the ninth or tenth: And I agree with the honourable gentleman, that the further it removed from its original, the better title the members acquired to the denomination of veteran troops, which he has been pleased to compare them to; but this title they merited for a reason very different from what he has assigned; It was not because they knew no other command but from the person who gave them their pay, but it was because they became every day more and more observant of their duty, more watchful over the liberties of their fellow-subjects, and less tractable to the measures of the court; insomuch that at last, by their persevering in an honest opposition to those measures, they forced their own dissolution. And this always has been, and always must be the case, as to all bodies of the same men, when long kept together, and attempted to be seduced by bribery and corruption; for few men are so entirely abandoned to shame, but that sooner or later they will be actuated by the love of virtue and public good, which will at last make them stubbornly resist the profligate court against the liberties of their country: And this was certainly the case as to that parliament, otherwise king Charles would not have so easily parted with a parliament he had been so long and with so much expence endeavouring to form to his own arbitrary views. Therefore, Sir, if any argument is to be drawn from this long parliament, it may certainly be made use of as the strongest reason, why a septennial parliament should be preferred to a triennial.

As a farther proof, Sir, that the balance of power is demonstrably more in favour of the people in a parliament that hath its duration for seven years, than in one chosen every third year; and that the crown will always have less influence in a septennial than a triennial parliament: let us but recollect what has happened ever since the septennial law took place. As the honourable gentleman who spoke last has already observed, does not experience shew us that every session will increase an opposing party? has it not been hitherto always found, that the party against the court has in every fifth or sixth session been more in number than it was the second or third? and as no step has been made to increase either the prerogative or power of the crown ever since septennial parliaments have had a being, why should we go about to make an alteration in that part of our constitution, from which we have never yet felt the least inconvenience? might not therefore a desire to revert back to the practice of our ancestors in this particular, be compared to a man in his full growth and strength desiring to return back to his childhood! It has indeed been insinuated by both the honourable gentlemen, who have spoke on the other side of the question, that undue influence has been attempted in elections; that money has been sent down from the treasury to gain returns from boroughs in the country; by which the elections have been rendered so expensive to the country gentlemen, that it is with great difficulty they can, from their private fortunes, support such expence, or withstand such influence: and

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this is indeed the principal argument I have heard made use of in support of this question. Though I am no ways privy to, nor do I believe that any such practices have been lately attempted; yet upon this occasion, Sir, I will for argument's sake suppose it to be true; I will suppose that the court does intermeddle in elections, and that sums of money have been sent into the country for that purpose; but how this comes to be owing to septennial parliaments, I cannot comprehend; would it not be as much in the power of the court to meddle in the elections for a triennial, as in those for a septennial parliament? and if a country gentleman can scarce bear up against these practices when he has six years respite to recover the expences and trouble he may have been put to by such attempts on his borough; for God's sake how will it stand with him when the battle is to be fought every three years? Surely he will be then much less able to bear such expences, or to withstand such influence; and, therefore, if the court ever has endeavoured, or if it ever should endeavour, to influence elections by the force of money, that influence would be much more dangerous in triennial than in septennial elections. From whence I must be of opinion, if this question should succeed, it might in time more effectually establish the absolute power of the crown, and destroy the liberties of the people, than any other method that could be thought of. The worthy gentleman who made the motion has told us, that an annuity for seven years, is more valuable than an annuity for three, and from thence he seemed to infer, that a septennial parliament must be more expensive than a triennial, in the same proportion as an annuity for seven years deserves a better consideration than an annuity for three: but he does not consider that a parliament for seven years is above twice the duration of one for three; so that if triennial parliaments were to come in the place of septennial, a man must be thrice chosen before he can continue so long in this House, as he would do were he to be chosen for seven years at once; and it is certain that the expences or the purchase (if with him we propose such purchases) of three or even of two elections for triennial parliaments, will always amount to more than the expences or the purchase of one election for a septennial.

If then the expensiveness of elections be one of the evils attendant upon septennial parliaments, it is certain, the changing of them into triennial, will be so far from removing that evil, that it will necessarily increase it. And I believe some gentlemen will, in another particular, find their expectations as little answered by the present motion: I mean that they will not find it so popular a motion among the generality of electors, as some of them may imagine. It may indeed please those of the populace who have no votes, who are fond of noise and bustle, and who would be glad of any change by which they might have a more frequent chance to get drunk and be idle. It may also be agreeable to the lower and meaner sort of our electors, who have heretofore perhaps too often made their market upon such occasions; but to the honest shopkeeper, and the quiet and fair trader, who have no other views but to gain a comfortable subsistence, by carrying on their respective trades, and to the better kind of our freeholders, and to the gentry in general; to all those sorts of men, in short, whose inclinations we ought to have the chief regard to, the proposing of this bill will be found, I believe, not to be a very proper way of paying court. The worthy gentlemen, Sir, who have spoke on the other side of the question, make a very partial use of our antient constitution, when they plead for a shorter duration of parliaments; because in former times, instances may be found of frequent elections; but forget at the same time to remind us of the different situation of our affairs, both at home and abroad. Must not proper allowances be made for the several changes which have since happened in our constitution, and the different relations we now bear, to foreign nations! For without a parity of circumstances, gentlemen cannot reasonably expect an equality of consequences. Formerly parliaments sate but ten, fifteen, or twenty days, and dispatched all the business they had before them in that time; we now sit four or five months, and find sufficient employment: the reason of this difference is obvious; our government has since gone through so many changes, and the riches and commerce of this nation have so much increased, that this House is now engaged in a much larger circle of business; and at the same time hath asserted a right to several powers in the state, which till within these 100 years, the crown has often contested. May not gentlemen as well infer, because some parliaments in

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former times have sate but 20 days, that we ought now to follow their practice in this particular, as to plead for a shorter duration of parliaments, because there may be found instances of annual elections in remote ages? Would gentlemen, Sir, who speak so favourably of antient times, have our parliaments brought again to be entirely upon the same foot they were formerly? Surely, No! As the law now stands, the crown cannot possibly prolong a parliament beyond seven years; and as the affairs of the public are now disposed, it must necessarily meet every year. Formerly the crown could keep a parliament in being without any limitation of time for their dissolution, and, as I have said before, did sometimes prevent them, though elected, from ever meeting; nay, at other times, there has been for many years together a total intermission of parliaments. I therefore really think, no one can make the least comparison on this head; at least I suppose the worthy gentlemen would not be willing to return to the practice of preceding times in these particulars. In short, Sir, I think the Septennial act as well adapted to our present constitution, as well calculated to answer the purposes and secure the freedom of parliaments, as any regulation that can be made; and I do not know any one particular instance in which our liberty and constitution have been more strengthened and improved since the revolution, than by those laws which have been made relative to the chusing, sitting, and duration of parliaments.

Before I leave this subject, I must take this opportunity to return my thanks to the honourable gentleman who called for the reading of the Septennial Act, because the preamble puts me in mind of our being indebted to that law for the prevention of a second rebellion: I am convinced, that it was to that seasonable alteration we then owed the preservation of our tranquillity, and perhaps every thing that is dear to us; for the minds of the people were at that time so exasperated and inflamed, the spirit of Jacobitism was got to such a height in the nation, that had an election come on, after the first parliament of the late king ought to have expired by the Triennial Act, it is not hard to say what fatal consequences might have ensued. But I neither mention this as thinking it entirely our present situation, or to draw an argument from thence, in support of what I am contending for; however I must say, that the recollecting how much we owe to the Septennial act, makes me the more unwilling to part with it. It is like friendship in private life, where we have once established a thorough good opinion of a man, and have received great favours from him, it is with difficulty, it is with great concern, we are prevailed on to give credit to any thing that may tend to his disadvantage. Many instances might be brought, Sir, to shew the inconveniences that would attend the success of the bill now proposed to us; but as I have already taken up much more of your time than I at first intended, I shall only mention one, which is, the great hindrance it might be in the dispatch of our foreign negotiations. As we have been within doors, often told of reports without doors, I must take the liberty to mention one which we have heard both within and without. Have we not often heard without doors, have not we been told in a former debate in this House, that several letters have been lately sent to foreign courts, in order to discourage them from treating with us at this critical juncture, by assuring them that the next ensuing parliament will be of a complexion very different from this. I cannot in the least suppose that such letters were either written or concerted by any one within these walls; but I must presume the authors are by this time convinced of their error, since I find so much pains has lately been taken, and so much rhetoric employed, both in weekly and other papers, to persuade us of the inconvenience of the Septennial Act, and the necessity for repealing it; from whence I conclude, that those gentlemen who were the authors of such letters, begin now to see that they will be disappointed in their expectations; and in order to make amends for this disappointment, they are for repealing the Septennial Act, that they may have a fresh opportunity of taking another trial four years hence. But be this as it will, it is certain, what I have just mentioned may be practised, and will always be an inconvenience and a hindrance in the carrying on of our foreign affairs, towards the end of a Septennial Parliament: and shall we by a new law give an opportunity and a temptation to the enemies of the government, to repeat those and such like practices and suggestions, to the great prejudice of the nation, at the end of every three years.

Before I conclude, Sir, I cannot help observing, that during the seven years I

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have sat in parliament I have heard many questions introduced into this House which have very much surprized me. Among others I have heard a proposition made, which, as it appeared to me, would have made the army useless upon any emergency, when we might have had the greatest occasion for their service. I have heard another motion for making a perpetual law to regulate an annual constitution, which would indeed have had a quite different effect from the former; for in process of time this last question, had it succeeded, might have made the army our sovereign, and King, Lords and Commons insignificant; and the proposition now before us, would, in my opinion, tend to weaken our greatest security; I mean the landed interest of the kingdom, by giving them frequent and unnecessary temptations to extraordinary expences, and might farther introduce new calamities and confusions into this nation. What other question can follow to keep rank with those I cannot divine; but the spirit of reformation seems to be now so very much the fashion, I do not doubt but fertile imaginations will always find, and will never be at a loss for, popular topics to introduce.

No state, Sir, was ever so exactly framed in all its parts, as not to make new laws sometimes necessary to remedy the evils which time and corruption may bring upon it; and for this reason every state is invested with a power of altering or repealing old laws, and substituting new in their stead, where those existing are found to be deficient: in this I shall agree with the honourable gentlemen; but give me leave farther to observe, that this power may be made use of to the overthrow as well as the support of the constitution: and therefore when we proceed to the exercise of this part of the legislative power, especially in things which relate to the very fundamentals of our constitution, the worthy gentlemen will, I hope, agree with me that we ought to use it with the greatest prudence and caution.

At present, Sir, I think our constitution is so well regulated in all its parts, the scales are so justly poised, as not to want any new modelling, nor any additional weight to be thrown into the other scale: we must be all so sensible of the happiness we enjoy under our constitution, as now established, that our chief concern and study ought to be how to preserve it in the happy situation it is now in; and if we can transmit it to our posterity in the same lustre and perfection we now clearly perceive it to be in, our successors will have no just reason to accuse the present generation of having made an ill use of that great trust which is reposed in every man who has a voice in this place. All changes, though never so well intended, are hazardous; but as the change now proposed appears to me, I think it would certainly have quite a different effect from what those worthy gentlemen expect who are the advocates for it: I am persuaded, that instead of amending or improving, it would weaken the constitution; and therefore, I think it a duty I owe to my country to give my dissent to it, in this public manner.

Lord *Noel Somerset* * stood up and spoke thus:

Sir; Though the honourable gentleman who made this motion, and the honourable gentleman who seconded it, have supported it in so strong and handsome a manner, that an attempt to add any thing to what they have said, may be looked on as presumption; yet I cannot help declaring my approbation of the motion in the best and most public manner I am able.

The honourable gentleman who read you a long extract out of master Prynne, seemed rather, in my opinion, to divert than instruct the House; and though I could not join with gentlemen in their mirth upon so serious a debate, yet I must own I cannot conceive to what purpose that long extract was read to us upon the present occasion: nor can I see what the question now before us has to do with the prerogative of the crown, either as now enjoyed, or as claimed in any time past. Because gentlemen have mentioned our old constitution, and have taken notice of a particular regulation with respect to the holding of parliaments, which was then in force, and which they desire to be re-established; is it from thence to be inferred that they desire to restore, in all its parts, our ancient constitution, as it stood at any period of time? No, when we talk of our old constitution, with regard to any amendment or alteration now proposed, we are to pick out those customs, which appear to be good, and which ought to be restored; and we are to reject those which appear to have been bad.

The question now before us, is not whether our constitution be now in the

* Afterwards duke of Beaufort.

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general better regulated than it ever was at any former period: the question now before us is particular; it is, Whether our constitution, with respect to the holding of Parliaments, was ever under a better regulation than it is at present: And that it was so, seems to me to be demonstrable from the very nature and design of parliaments; for this House is properly the grand inquest of the nation, they are to represent the grievances of the people to their sovereign; and the people are always to choose proper representatives for that purpose: that choice ought therefore to be annual, because the person that may be a proper representative one year, may before the next, or at least very soon after be concerned in making the people suffer those very grievances which they want to complain of; and surely such person would not be then a proper representative of the people.

This was our old constitution, with respect to the holding of parliaments; they were, or at least ought to have been, not only annually held, but annually chosen. It is well known that prorogations are but of a late date; they were first introduced to favour the arbitrary views of some of our ambitious kings; and as they owed their origin to such a corrupt fountain, I am persuaded we never can expect any good from them. However, the question now before us does not go far, nor are we obliged to have recourse to remote ages for a precedent for what is now proposed. When we now talk of our old constitution, we are to consider it as it was settled and reformed at the Revolution, and at that time, as has been before observed, the patrons of liberty did not think their work was complete, without having the point fully and clearly settled; and therefore they were never at rest, till they had obtained that very law which is now desired to be restored: for this reason I cannot but think that gentlemen have given themselves a very unnecessary trouble in explaining to us so particularly the history of former reigns, or the complaints against former kings; for the not holding any parliament at all, or the continuing the same parliament for a great number of years is in effect the same; in the last case, as well as the first, the people have no opportunity of having their grievances either represented or redressed, because after a number of years the members may either become unacquainted with, and regardless of the grievances of the people, or they may themselves have so great a hand in those grievances, that for their own selfish ends they will prevent their being redressed.

It has been said, that the restoring of this law would create great heats, and raise dangerous contentions in the nation. If it were a new law, a law which we had never any experience of, this argument might have some weight; but the direct contrary of this is known to be true from the experience we had of it, while it was allowed to continue in force. Besides, this is one of those arguments that prove too much; for it is as good an argument for us to continue ourselves for seven years longer, or indeed for a perpetual parliament, as it is for a septennial; and it is an argument that has in all countries been made use of for subverting the liberties of the people. In all free countries there must now and then happen some little feuds and divisions among the people, which ambitious wicked men have used all their cunning and all their eloquence to set in the most terrible light, and under the pretence of preventing those feuds and divisions, have in most countries prevailed upon the people to give up, or at least to allow themselves to be robbed of those privileges which were their only defence against tyranny and arbitrary power.

Another objection against this motion is, that a septennial parliament is necessary for establishing and confirming our credit abroad. If this be yet to do, if our credit abroad remains yet to be either established or confirmed, I will say that we have lately spent many millions, and have made many treaties to very little purpose. Is not this likewise an argument for settling the duration of our parliaments at a much longer term? for if our credit abroad were any way strengthened by a parliament to continue for seven years, would it not be much more so by a parliament to continue for seven times seven? but this is not the case; our foreign neighbours judge better of the condition and circumstances of this nation, than some of ourselves seem to do; our credit among them depends on their believing that there is an union and mutual confidence between the king and his people; and is there any thing can tend more towards lessening their belief in this respect, than their hearing that the king does not incline to trust his people with a frequent choice of their own representatives? Will not every man from thence conclude, that either the people

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are disaffected, or that the government is pursuing such measures as they think may not be agreeable to the generality of the people? And I believe it will be allowed that such a notion would not contribute much towards establishing or confirming our credit abroad. While no measures are pursued but such as are for the honour and interest of the nation, it is certain that a parliament sent here by the free choice of the people for three years, or even but for one, would be as ready to confirm those measures as a parliament sent here for seven years. But if ever it should hereafter happen, that measures, even destructive to the nation, should be pursued, only to save and support a falling minister, or by way of temporary expedient only, to put off the evil day during his time; he might indeed have a better chance to get such measures confirmed and approved of by the members of a septennial parliament, who had such a long term to reap the fruits of their servile compliance, than he could have to get such measures confirmed or approved of by the members of an annual or triennial parliament, who must soon return to the people for their approbation or disapprobation of what they had done: and a parliamentary acquittal would be of much more consequence in the first case than in the last; for if an annual or triennial parliament should be servile enough to approve of measures contrary to the general sense of the nation, the people would soon have an opportunity of doing themselves justice in a new parliament; but if the people were to have no such opportunity for seven years, it might then be out of their power.

It has been said, that frequent new parliaments would produce frequent changes in our administration, so that we never could steadily pursue any measure foreign or domestic. As to changes in our administration, if triennial or annual Parliaments should produce triennial or annual ministers, it would give me no great concern, and I dare say, the nation very little uneasiness. But how this should make us unsteady or unsettled in the pursuit of our public measures, foreign or domestic, I cannot, indeed, conceive; for if the measures were apparently for the good of the public, the new ministers would, doubtless, for their own honour and safety, pursue them as steadily as the old could have done; and if the old had entered on measures inconsistent with the good of the nation, here the change of the ministry would be lucky for us: so that, if nothing else could be said in favour of the motion, this very argument would be sufficient with me to give my vote for it.

The Honourable *John Cornwallis* spoke next against the motion:

Sir; I have indeed heard some mention made without doors of the proposition now under our consideration; but I never expected to have heard it moved in this House, especially at a time when the circumstances of Europe ought to prevent our attempting any thing that may in the least tend towards weakening our constitution, or unsettling the measures of his Majesty's government. As for my own part, Sir, the question can no ways affect me: let it be agreed to, or, let it be rejected, as to my particular circumstances they will remain the same; but as we are not to regard our private or particular interest, but that of the whole community, in every question that arises in this House; I therefore think I am obliged not only to give my vote against this question, but to give my reason, at least the principal reason which induces me to be against it: and it is this, That, in my opinion, the motion seems calculated for no other end but to continue that ferment and that spirit of division and disaffection which was so artfully raised in the nation, upon a late memorable occasion, and which has already almost subsided, and must entirely subside, as soon as the people shall have come to their senses, so as to be able to judge coolly and impartially about that affair. But this they could never come to do, if the present motion should succeed; the nation would be kept always in a ferment, the divisions about one election would no sooner be over, than those about another would begin, and the passions of the people would be every year screwed up by some new art, in order to support or render successful the ambitious views of some private men. This would of course very much weaken his Majesty's government, and diminish his influence in all foreign negotiations; for which reason I shall most heartily give my vote against the motion now made to us.

Colonel *Bladen* rose up, and said:

Sir; I cannot give my assent to the question now in your hand. The repeal of the Septennial law is a motion I cannot in my conscience agree to; for though one of the motives for enacting that law

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does not at present exist in such an apparent manner, as it did at the time it was enacted, yet it cannot be said, that even that motive has now entirely ceased; I wish with all my heart it could be justly said, that there is not now a Jacobite or disaffected person in the nation; but I am afraid no such thing can be justly said for many years to come, and therefore even that motive, which the honourable gentlemen, who have spoke upon the other side of the question, have said to be the only motive for enacting this law, has not yet entirely ceased: but, Sir, this was not the sole and only motive for enacting that law; if gentlemen had given attention to the preamble of that law, they would have found many other reasons mentioned for enacting it, which are now as strong for continuing it as they were then for enacting it.

It has been said, Sir, that this law has been attended with several inconveniences, which I cannot say I was ever sensible of; and I think they have not yet been made sufficiently appear by any of the gentlemen who have spoke in this debate; but, granting that there were any such, is this a time to repeal a law which has been productive of so much good, and which so much strengthens his Majesty's government, only because it has been found to be attended with a few trifling inconveniencies? I cannot think that the gentlemen who talk at this rate are so ignorant of human affairs, as they now pretend to be; they must certainly know, that all human institutions are attended with inconveniences, and all that the wisest of men can do, is to chuse those regulations which are attended with the fewest and the least dangerous inconveniences, and which tend most to the security and the happiness of their native country: when gentlemen consider in this light the Septennial law which now exists, and the Triennial law which was for good reasons repealed, they will, I believe, at all times, but especially at the present, give the preference to the former.

Let us, Sir, but consider the present situation of the affairs of Europe; Italy swallowed up by France and her allies; numerous armies on the Rhine threatening to penetrate into the very bowels of the empire; our old allies, the Dutch, reduced to the low ebb of begging a neutrality from France, for their barrier in Flanders. In such a state of foreign affairs, is it to be imagined, that Great Britain can remain quiet, or indulge herself in a state of ease and security! No, surely, Sir, we must concert proper measures to prevent the balance of power in Europe from being quite overturned: we must look in time to the preservation of that balance which has already cost this nation so much blood and treasure; and, at such a conjuncture ought we to repeal that law which strengthens his Majesty's hands, which gives steadiness to his councils, and adds weight to his negotiations with foreign powers? Or shall we substitute in its place a law which would throw the nation every two or three years into such distractions and confusions as elections are always attended with?

Would not this, Sir, be giving the enemies of his Majesty's government at home, in conjunction with his enemies abroad, so many opportunities of distressing his Majesty's government, of throwing all things into confusion, and perhaps of destroying that establishment, and that family to which we owe the preservation of all that is dear to us? God forbid, Sir, that this House should be so much wanting in that duty they owe to his Majesty, in that duty they owe to their country, as to do any thing that might tend to the distressing of his government, or to the disturbing the peace and quiet of their country. I hope the House will excuse me for taking up so much of their time: I could say a great deal more against the motion now before us, but the subject has been so much exhausted, and every argument in favour of it so fully answered by my worthy friend under the gallery, who spoke early in this debate, that I think I need not now add any thing farther, but shall most heartily give my vote against it.

Mr. *Watkins Williams Wynn** spoke next:

Sir: I am surprised to hear it insinuated by the honourable gentleman who

* "Mr. Watkin Williams Wynn spoke next in favour of the motion. He was a gentleman of Wales, undaunted in his person, and inflexible in his principles, which were by no means favourable to those of the revolution. His manner of living and conversation, greatly resembled those whom we may call the best models of British antiquity; and his estate being large, he was enabled to push the chieftainship, which he affected, to the utmost. Having great experience in elections for members of parliament, he thought himself particularly interested in this question; and he insisted

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spoke last, as if the motion now before us was made with a view to distress his Majesty's government, or to disturb the peace of the nation. Such an insinuation is really not treating the gentlemen, who have spoke in favour of this motion, with that candour which one gentleman has reason to expect from another in this House; nor, indeed, can I look upon it as any compliment made to his Majesty or his government. It is not to be doubted but that his Majesty, in all the measures he pursues, looks a little further than this House. It is not to be questioned but that his Majesty looks for the approbation of the generality of his people, as well as the majority of his parliament; and while his measures are approved of by the generality of his people, frequent elections cannot surely bring any distress upon his government, but will greatly strengthen it, by shewing frequently to his Majesty, and to the whole world, the true sense of the generality of the people. As to the peace of the nation, we know by experience, that it was as well preserved by triennial parliaments, as ever it was by septennial, so that the agreeing to this motion cannot disturb the peace, but the rejecting it may very probably have such an effect; for the generality of the people so earnestly desire to have triennial parliaments restored to them; that the refusing to comply with their desire cannot but increase the number of the disaffected, which may at last throw all things into confusion, and may perhaps destroy that establishment, to which we owe every thing that is dear to us.

I shall readily grant, Sir, that ever since we have had Septennial Parliaments, our elections have been generally attended with distractions and confusions; but I cannot allow that this would be the case if our elections were annual, or even triennial; they would then be carried on with much less heat and animosity; for every man knows that the disturbances about elections have been much greater since the Septennial Bill took place, than ever they were before: and I would gladly ask gentlemen, if before that time it was ever known that the solicitations and contentions about elections began two years before the chusing of a new parliament, which is known to be the case at present over the whole kingdom, and which always must necessarily be the case; it being natural for men to contend with more vigour and with more heat for a post either of honour or profit, that is to be enjoyed for seven years, than for one that is to be enjoyed but for one, or for three.

Then, Sir, as to bribery and corruption at elections, I am sure it has very much increased since the Septennial law took place. It is a natural consequence of lengthening the time of a parliament's continuance; a consequence so natural, that I am surprised to find it so much mistaken as it seems to be, by some gentlemen who have spoken upon the other side of the question. It is certain, Sir, that bribery will never be made use of at any election, but by a man who has not a sufficient natural interest in the place where he declares himself a candidate; and by such we may expect it will always be made use of, as far as it can be done with safety, if the candidate has but the least hopes of succeeding by such dishonourable means. Where there happens a competition, every elector has a natural bias to vote for one man rather than another, and every elector will vote according to his natural bias, if he is not bought off: whoever endeavours to buy him off, must certainly come up to his price, and this price will be higher or lower, according to the elector's honour and circumstances, and the natural bias he has for the other candidate. A great many men may be perhaps bought off with 100 or 1000 guineas, who, if half that sum were offered, would spurn it away with an honest disdain. I hope, Sir, there are a great many electors in this kingdom, whose honour, upon such occasions, is above the power of any such corrupt temptations, but that there are likewise a great many who may be bought, is a fact which, I believe, no gentleman in this House will dispute; and in this view let us examine the difference between Triennial and Septennial parliaments.

Give me leave then to suppose two gentlemen set up in opposition to each other, for representing one of our little boroughs in parliament; one of them a country gentleman, of a great natural interest in the place, the other a citizen of London, or a place-man, not near equal to him in interest, but depending entirely upon the money he is able to lay out: Suppose the citizen, or place-man, comes to a calcula-

upon it, that a man who could get 100 guineas for his vote for a Septennial parliament, would not get 15 for a triennial one; and that bribery and corruption are the natural consequences of long parliaments." Tindal.

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tion, and finds that it will cost him at least 3,000*l.* to buy the country gentleman out of his interest in that borough; if the parliament were to continue but for three years, he would, very probably, resolve not to be at such an expence, and so would refrain from being guilty of the crime of corrupting his countrymen; but when the parliament is to continue for seven years, he may as probably resolve to be at that charge. Thus, by corruption he may get a seat in this House, and it is to be feared that he who comes in here by corruption will not walk out with clean hands.

Gentlemen are very much mistaken if they imagine that the price of an elector depends upon the duration of a Parliament; or that a man who sells his vote for 100 guineas at an election of a Septennial Parliament, would sell his vote for the half of that sum, if the parliament to be chosen were to continue only for three years. No, Sir, there are very few of this sort of electors who think of futurity; the present offer is the temptation, and the only temptation which can be of any weight with them; Besides, they cannot depend upon having the like offer made them at the next election; and 50 guineas ready money, with an uncertain hope of having 50 more three years hence, is not surely so great a price as 100 guineas ready down: The natural interest of the country gentlemen, and the honour of the electors, are what the dealers in corruption have to contend with, and against these a small price cannot be so prevalent as one a little higher. Some may, perhaps, be corrupted by a small price, but certainly the higher it is, the greater will the numbers be that are tempted to yield to it; and as a man may give a higher price at the election for a Septennial Parliament, than he can do at one for an Annual or Triennial, therefore the greater the numbers will be of those who yield to his temptation, the more he may depend upon corruption; and the more it is to be depended on, the more general and the more frequent will it certainly be. From hence it appears evident; that the increase of bribery and corruption is as natural a consequence of Septennial Parliaments, as any one thing can be conceived to be the consequence of another.—There is no way, Sir, of effectually preventing corruption, but by putting it out of the power of any man to corrupt: There is no corrupting any man but by coming up to his price: therefore the only way of putting it out of the power of any man to corrupt, is to put it out of the power of any man to come up to the price of any number of electors: and this can only be done by making our elections frequent; The more frequent the better. It is certain, a gentleman who enjoys a good pension for seven years, is more able to give a high price, than if he had enjoyed that pension but for one year or even for three; and he will more willingly give a high price, when he is thereby to purchase the continuance of that pension for seven years, than when he is to purchase it only for one or for three years. This, Sir, is so evident, that I am astonished to hear it controverted within these walls.

If our parliaments were annual, it would be impossible for place-men or pensioners to save as much yearly as would be sufficient to bribe country gentlemen out of their interest, and the electors out of their honesty; which I am afraid is a practice now too frequent in many parts of this kingdom: how can it otherwise be imagined that the people would chuse persons they never saw, persons they perhaps never heard of, in opposition to gentlemen who live in the neighbourhood; gentlemen who give them daily employment, by buying in their shops and markets all the manufactures and provisions they have use for in their families; and gentlemen whose ancestors have, perhaps, often represented that very place in parliament with great honour and universal approbation? I remember, Sir, I was told by a gentleman who is now dead, and therefore I may name him, I mean Mr. Spencer Cowper, afterwards one of the Judges of the Common-Pleas, he told me himself that he had never been in the borough he represented in parliament, nor had ever seen or spoke with any of his electors; and I believe I could, without much difficulty, name some who are now in the same situation. Can such Sir, be called the representatives of the people, or can it be supposed that they are chosen by means of that natural interest by which every man ought to hold his seat in this House?

The Parliament, Sir, is the great council of the nation, and the business of this House in particular is to represent to his Majesty the grievances of the people, to inform his Majesty if any of his ministers or officers makes an ill use of the power he delegates to them, and to impeach and prosecute such evil ministers. Now I would be glad to know who are the most proper representatives for these purposes,

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gentlemen who have large properties in the country, who are independent of the ministers and officers of the crown, and who by living in the country are perfectly acquainted with the circumstances of the people; or gentlemen who for their chief support depend upon the ministers and officers of the crown, who know nothing of those they represent, and are not only ignorant of their true interests, but are really indifferent about their welfare. I hope it will not be controverted, but that the first sort of gentlemen are the most proper representatives of the people; and if so, Annual or Triennial Parliaments are better than Septennial, because there is a greater probability of their being chiefly composed of such gentlemen.

As bribery and corruption, therefore, is a natural consequence of long parliaments, as it must always increase in proportion as the term for the parliaments continuance is prolonged, I am persuaded that all those who are against bribery and corruption, will join with me in voting for the restitution of triennial parliaments. It is not the expence of an election that country gentlemen are to be afraid of; the most extravagant entertainments that a stranger in the country could give, would have but little weight, if to these he did not add downright Bribery; and even those Bribes must be so high, as to overbalance the natural interest of the country gentleman, as well as the honesty of the greatest part of the electors: as these Bribes cannot be made so high for a triennial parliament, as they may be for a septennial, they cannot be so prevalent among the electors: and therefore a gentleman, who depends upon nothing but his natural interest, will always have a better lay for representing his country in a triennial parliament, than he can have for representing it in one which is to continue for seven years; for which reason I cannot but think that every gentleman, who has a mind that his posterity shall depend for their seats in parliament, upon the natural interest they may have in their respective countries, and not upon the frowns or the favours of the minister for the time being, must necessarily be for our returning to our former constitution in this respect. This, Sir, is, in my opinion, absolutely necessary, and it must be soon done, otherwise country gentlemen, tired out with contending against those who purchase their elections, perhaps with the very money which the country gentlemen are obliged to pay out of their estates in public duties and taxes, will at last have nothing to do but to sit down and bemoan the fate of their country: but their complaints will then be to very little purpose, for the doors of that place, where the groans of the people ought to be heard, will then be shut against them. We may depend on it that those, who obtain their seats in this House by ministerial influence, will, while here, be directed in all their proceedings by the same sort of influence, and by none other.

To conclude, Sir, I am very certain that there is nothing would be more agreeable to the people in general, than the repeal of the septennial law; and therefore I, as one of the representatives of the People chosen without bribery or corruption, and as one who has nothing to consider but the interest of those I represent, shall readily vote for the motion.

Mr. *John Willes* (Attorney General) spoke against the motion:

Sir; I have given all possible attention to what has been said by gentlemen, on both sides of this question; and I must confess, I cannot yet see any manner of reason for agreeing to the motion. Gentlemen have been pleased to put us in mind of our ancient constitution; but it has been so often varied and altered, that it will be found very difficult to fix upon a time when it was such as we ought or would desire to return to: and if any time is to be fixed on, we are not surely to take the time when our constitution was weak and in its infancy, we are certainly to chuse that time when it was come to its full strength and vigour, which, in my opinion, is the present. But as gentlemen have mentioned the Claim of Rights, let us examine how it stood at that time, for I am persuaded it will be agreed to by every gentleman in this House, that after that Claim was settled and confirmed, our constitution was more vigorous than it ever was before that time; and yet even in our Claim of Rights there is no mention made of frequent new parliaments: It is indeed said, that for redress of grievances, and for amending, strengthening and preserving the laws, parliaments ought to be held frequently; but it is not so much as insinuated, that every one of these parliaments ought to be a new parliament; and as to the frequency of parliaments, I am sure there never was less reason for complaint than since the Septennial Bill passed;

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for ever since that time the sessions have been regularly held, and all of them have been allowed to sit as long as it was necessary or proper they should.

But, Sir, even by the Claim of Rights our constitution was not so well regulated or established as it is at present: it was still left in the power of the king to continue a parliament as long as he pleased, and this certainly might have become a grievance upon the people. This oversight the whole nation were sensible of, and this they were willing to obviate; but in all such cases, people generally run from one extreme to another; the passions of men are something like a pendulum, if they are raised too high on one side, they always rise too high on the other; it requires time before they come to settle in the equilibrium of reason. This was the very case with respect to the Triennal Bill, which passed in the reign of King William: the passions of the people were raised high against the unlimited prerogative of the crown, in continuing a parliament as long as the king had a mind; this the enemies of the government took hold of, in order to introduce a law by which the prerogative was in this respect limited too much: for it is well known that the Triennial Act was neither introduced nor promoted by the patrons of liberty, or the real friends to that King's government; it was by those who meant to distress the measures of that good prince, to whom their native country, nay even they themselves, stood so much indebted. They at last prevailed, they got that law passed, which, after a long experience, was found to be of dangerous consequence to the peace of the nation, and to the quiet of the subject; and therefore the Septennial Bill was agreed to, which is a most reasonable mean between the one extreme of leaving the prerogative of the crown in this respect unlimited, and the other extreme of limiting this prerogative too much, by laying the crown under a necessity of calling a new parliament once in three years, whether it be consistent with the peace and security of the nation or not. From whence, Sir, I think I have good reason to be of opinion, that our constitution is now in its utmost perfection. I was indeed glad to hear encomiums bestowed by an honourable gentleman upon the late King William, because such seldom come from the corner of the House where he sits; but if that glorious King had been limited to Septennial Parliaments only, and not to Triennial, the future happiness of this nation would have been better secured, and more firmly established by him; he would not have been obliged to have put an end to the war so soon as he did, or to have agreed to those treaties, which were afterwards so loudly complained of; the continuance of the war but for a very few years, might have reduced the power of France so low, as to have rendered them utterly unable to have made a conquest of Spain; and thereby the heavy war which ensued, and which cost this nation so much blood and treasure, would have been effectually prevented.

Gentlemen have been pleased, Sir, to mention frequently to us the prerogative of the crown, and to talk of its being grown up to a great height; but can any gentleman say, that his present Majesty, or the late King his father, ever made the least attempt to the prejudice of the people's rights, or ever endeavoured to extend any branch of the prerogative beyond those bounds which are prescribed to it by law? And I hope no gentleman will say, that the prerogative, as now limited and established, can be dangerous: for while our happy constitution is preserved, it is certain the monarchical part of it must be endowed with some powers and prerogatives; it must have at least those which are necessary to support itself against faction, and to preserve that influence which it ought, by law, to have in the government of this kingdom. And as for the influence which, as has been supposed, the crown may acquire over long parliaments, it has already had a very proper answer from both the gentlemen who spoke first against this motion; for it is very certain, that the Long Parliament in king Charles the second's reign, which has been called the Pensionary Parliament, became towards the end so very little subject to the influence of the crown, that they did all they could to secure the liberties of the people against the schemes which were then forming by the court, and became so strenuous in their endeavours this way, that the king was at last, obliged to dissolve them. This shews, that the length of a parliament rather diminishes than increases the influence of the crown; and the history of every parliament since that time confirms this observation.

We have been told, that we always ought to have a dependance on those we represent, and that in long parliaments this dependance may probably be thrown off; which could never be the case if par-

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liaments were annual. That we have all a dependance on the people for our election, is what, Sir, I shall readily grant; but after we are chosen, and have taken our seats in this House, we have no longer any dependance upon our electors, at least in so far as regards our behaviour here. Their whole power is then devolved upon us, and we are in every question that comes before this House, to regard only the public good in general, and to determine according to our own judgments: if we do not, if we are to depend upon our representatives, and to follow blindly the instructions they send us, we cannot be said to act freely, nor can such parliaments be called free parliaments: such a dependance would be a most dangerous dependance: It would, in my opinion, be more dangerous and of worse consequence than a dependance upon the crown; for in a dependance on the crown, I can see no danger as long as the interest of the crown is made the same with that of the people, which every man must allow to be the case at present; whereas the people of any county, city, or borough are very liable to be mis-led, and may often be induced to give instructions directly contrary to the interest of their country.

Bribery and corruption, Sir, are two hideous words, and are often set in the most terrible light; I have, it is true, as terrible an idea of such practices as any gentleman in this House; but I cannot think we are in any present danger from such. Our constitution is so happily formed, that it is almost impossible to overthrow it by such practices; for before such a thing can be done, the generality of the people must be corrupted; nay, they must be so far corrupted as to be ready to sell themselves for a small price, for if they insist upon a high one, there cannot be a purchaser. This is a case which I hope never will happen, but if ever it should, I cannot see how our constitution could be more safe with a Triennial than with a Septennial Parliament; for I am persuaded that if a man will sell his vote either in Parliament, or at elections, for 1,000 or 100 guineas, he will sell it for half that sum, when he finds he can get no more. Whatever is once brought to market is generally sold for the market-price; and we find that the more frequently a thing is sold, the lower it falls in its price, the more contemptible it becomes. People usually suppose that corruption is only of one sort; but this, Sir, is a mistake, it appears in many shapes; a man may be bribed without giving him money; and even members of this House may be bribed without getting any place or preferment from the government. If any gentleman, to please his borough, and to secure his next election, should act contrary to his own judgment, it is as downright bribery as if he had got a pension, a place or preferment from the court; and I look upon this as one of the very worst sorts of corruption.

Gentlemen have told us, that Septennial parliaments are attended with many inconveniences, but they have not been so good as to shew us any of them, at least in so far as I have yet heard; we have had the experience of such parliaments for above these eighteen years, and yet I do not find that they have pretended to shew any one inconvenience which has arisen from them in all that time; from whence I must presume, that it is not in their power; and I believe it cannot be shewn that so many good laws have passed in any such number of years, as have been passed since septennial parliaments took place: I am sure it cannot be shewn, that any one law has been passed by any of our septennial parliaments, that incroached upon the rights of the people, or that was attended with an inconvenience, or was looked on by the generality of the people as a grievance. If ever there were any such, I must desire that the gentlemen of the other side of the question would point them out to us.

But, Sir, I could shew many inconveniences that would certainly ensue from Triennial or annual Parliaments: the whole nation would be kept in a continual ferment: the feuds and divisions which by every election are raised among neighbours in the country, would be continually kept up: the country gentlemen would be entirely ruined by the expence of frequent elections, and an annual attendance upon this House with multitudes of witnesses, about those that might be contested; and a vast encouragement would be given to drunkenness and idleness among all ranks of men. We know when working people have been habituated but for a few days to drunkenness and idleness, how hard it is to bring them back to their labour and industry; from whence we must conclude, that such frequent elections would be a great prejudice to our husbandry, to our manufactures, and to all sorts of improvements; for the drinking and feasting

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about one election would hardly be over, when that for the next would begin. All these, and many worse, would be the certain consequences of Triennial, or annual elections; whereas when elections return but once in seven years, the feuds and divisions among neighbours, and the ferment the nation is put into, have time to subside; the labouring people have time to cool and return to their labour, and the country gentlemen may easily bear the expence of elections, because they have six years to recruit, and to lay in a stock for that purpose.

An honourable gentleman spoke of Septennial Parliaments as necessary to support falling ministers: how a Septennial can be more proper for this purpose than a Triennial, I cannot really comprehend; but whatever may be in this, I am sure it is not the case at present: for I have been of late in as many counties and corporations as any gentleman, I believe, in this House; and notwithstanding all the arts that have been practised, and all the industry that has been used to give the people a bad impression of the present administration, I found the people in every place I passed through, generally well inclined towards it; and the present Parliament, though a Septennial one, stands so firmly in the esteem and affections of the people, that I dare say we shall see the greatest part of the gentlemen now in this House re-chosen.

Upon the whole, Sir, as no gentleman can, I think, shew me any inconvenience attending Septennial Parliaments but what is imaginary, as a great many dangerous inconveniences always have attended, and always must attend Triennial Parliaments; and as I am convinced that the nation in general is very far from desiring a repeal of the Septennial law, I am entirely against the question.

Mr. *Walter Plumer* spoke next:

Sir; I am not a little astonished at the doctrine laid down by the honourable and learned gentleman who spoke last: that after we are chosen, we are to give no attention to our constituents, that we are then to throw aside all dependance upon them, is a doctrine I never before heard in this House; and I am the more surprised to hear it come from that learned gentleman, because some of our principal lawbooks tell us, that in ancient times this House has often refused to agree to propositions made by the court; for this reason only, that they could not agree to any such new propositions, till they went home and consulted with their constituents. For my own part, Sir, I shall always give the greatest attention to the sentiments of those I represent; I shall always have a great regard for their interests, and shall never think there is any danger in having a dependance upon them.

The learned gentleman asked us, If the prerogative of the crown had been extended beyond its due bounds by his late or his present Majesty? Sir, I do not say it has: it is a question cannot properly be answered, nor have I heard any such thing so much as insinuated in this debate. But I wish we would take an example from the crown in one thing: We may observe, that the crown never gives a place or employment for life, or for a long term of years, except such as cannot be otherwise disposed of; and the reason is plain: were these places given for life, the grantee would then be out of the power of the crown, and consequently would not have such a dependance on the crown, as those persons must have who enjoy their places during pleasure only. In this the crown acts wisely; and I wish we would follow the example: when I say We, I speak of the gentlemen present not as members of this House, but as a part of the people of Great-Britain: it would certainly be the height of wisdom in the people to keep those they trust and employ in their service as much in their power as possible. If those the people chose to represent them in this House, were to continue in that station only during the pleasure of the people, the representatives would, I believe, have a proper regard for the interests of the people, and would never think of throwing off all dependance upon them. As this would, in my opinion, be a wise step in the people, therefore I must be for agreeing to every thing that may tend this way; for this reason I cannot but be for the present motion; nay, if annual parliaments had been moved for, I should have been for the question.

Another gentleman over the way mentioned to us the present situation of Europe; and asked us, If we were to sit still, and take no part? This, Sir, is a question that might be answered, if they would let us into the secret so far, as to know what is the present situation of Europe with respect to ourselves; but this they do not seem inclined to do. However, without such an insight, I think I may say, that we

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ought to mind our own business, and take proper care of the interests of Great-Britain; but that we are not to enter headlong into every German quarrel that happens beyond seas. This may be a very proper question, and probably will come to be a question in the first session of the next parliament: In which case I hope those who have it in their power, will lay every thing before this House, that may be necessary for giving a proper answer to such an important question. But how the members of next parliament, by being chosen for seven years, should have in the very first session more knowledge, more wisdom, or more integrity in the determining of this question, than if they had been chosen only for three, is what, I must confess, I cannot comprehend.

The learned gentleman was so good as to tell us, that we had all, or most of us, by our behaviour in this Parliament, established our characters so firmly among the people, that most of us will be chosen again: if so, it is to be hoped we will behave as well in the next, and then as many of us as are alive may expect to be chosen a third time. And if we behave ill, I hope no gentleman will say we ought to continue even for one year, much less for seven, in the station we are in, whether our representatives will or no. This, Sir, is as proper an answer as can be made to the principal argument urged against frequent elections; which was, that they would distress his Majesty's government, and render the measures of his administration unsteady; for if the same members be upon a new election generally returned as long as they behave well, surely even an annual election could never distress his Majesty's government, nor render his ministers unsteady in the measures they pursue, at least as long as the members behave well in Parliament. And I hope no king will, I am sure his Majesty never will, and I hope no minister ever can depend upon the ill behaviour of the members of Parliament for the support of his government, or for the support of the measures he pursues: I say, I hope this case never will happen; but lest it should, the best way to guard against it is to have frequent elections; and therefore I am for the question.

Sir *William Lowther* said:

Sir; There is one reason, which chiefly prevails with me to be against your question: It has been said, that the principal motive for introducing septennial parliaments now no longer exists; but this I can by no means agree with, because I am sure the number of Papists has greatly increased ever since the septennial law took place: and as a true regard for our own religion has in the same time very much decreased, I am afraid the popish interest will daily gain more and more upon us; and the transition from Popery to Jacobitism we know to be short and certain. Besides, Sir, there has lately been published in our weekly papers, An Essay upon Parties: who is the author of it I do not know, but I have read it; and I think it the most Jesuitical performance I ever saw: It could, in my opinion, be wrote with no other view but to raise discontents and jealousies, and to increase the disaffection to his Majesty's government; and therefore I cannot be for repealing a law which greatly strengthens that government against all such attempts.

Mr. *Cholmondeley*, member for Cheshire, replied:

Sir; I do not stand up, to enter into your debate; but only to take notice of what was said by the gentleman who spoke last. I do not know whether the number of Papists be increased since the time he mentions or not; but I would gladly know from him, which side in the elections the Papists favour most in that part of the country where he lives? For I can affirm, that in all the parts of England which I know, they generally make use of all their interest in favour of those candidates who are recommended by the ministers: what may be their reason for such an odd sort of conduct, I cannot pretend to determine; for surely they do not imagine that the only game they have to play against his Majesty's government is to support his ministers.

Mr. *George Heathcote* hereupon added:

Sir; I was very much inclined to give my vote for the question when it was first moved; but I am now more firmly of that opinion, after what I have heard from the two honourable gentlemen who spoke last: for if Popery has gained so great ground in this nation, since the passing of the septennial law; and if the papists be in general such friends to our ministers, I do not but that in next parliament many papists may have seats in this House. And as some of our ministers have been of late very changeable in their politics, I do not

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know but they may take it in their heads to change their religion too: therefore, for fear of our having a popish parliament, and some popish ministers, I am for repealing the septennial law, in order to prevent their having time to do a great deal of mischief.

Sir *John Hynde Cotton* said:

Sir; As to all the parts of England I know, I can affirm the truth of what my worthy friend by me has said. The Papists are in general making use of all their interest in favour of those candidates who are recommended by the ministers; and an honourable gentleman on the floor, who I believe has no small share in the present administration, knows that one of that religion, who is a gentleman of one of the best and most ancient families in the county of Norfolk, and a gentleman of one of the best estates in it, is now riding about the country, soliciting votes for his friends who are candidates for the county, or for any city or borough within the county: so that if there has been of late an increase of popery, it cannot be said that the interest of the ministers is thereby weakened; but as to his Majesty's government, I dare say that it cannot be much strengthened by the addition of such friends.

An honourable and learned gentleman over the way was pleased to ask us, Sir, if his late or present Majesty had ever made any attempt to the prejudice of the rights of the people, or had endeavoured to extend any branch of the prerogative beyond its legal bounds? To this question, Sir, I shall not answer one word, because I know the gentleman's office; but I shall answer another question asked by the same gentleman: he asked us, if I remember right, Whether any law was ever passed by a Septennial Parliament that incroached upon the liberties of the people, or that was attended with an inconvenience, or was looked on by the generality of the people as a grievance? As to the first part of this question, I must really, Sir, look upon the Septennial Law itself as some sort of incroachment upon the rights of the people; and that laws I think, was passed by a parliament which made itself Septennial. But farther, Sir, were not the laws of treason, as to trials, altered by a Septennial parliament, or at least one which made itself so? That law which had remained unaltered in all the contests, and the long wars that happened between the Houses of York and Lancaster, was altered upon a trifling insurrection in some of the northern parts of this kingdom: formerly every man was to be tried by a jury of his honest neighbours, within the county where the crimes alledged against him, were said to have been committed; but a Septennial parliament ordered him to be carried away, and tried in any country where the crown, or rather the minister, could find a jury proper for their purpose and where the prisoner might not perhaps be able to bring any witnesses in his own justification, it might at least have been impossible for him to bring any without a great expence. And yet farther, Sir, was not the riot act passed by a Septennial Parliament; and is this no incroachment upon the rights of the people? Is it no grievance that a little dirty justice of the peace, the meanest and vilest tool a minister can make use of, a tool who, perhaps, subsists by his being in the commission, and who may be turned out of that subsistence whenever the minister pleases; is this, I say, no grievance that such a tool should have it in his power, by reading a proclamation, to put perhaps 20 or 30 of the best subjects in England to immediate death, without any trial or form of law? This law, Sir, and several others I could name, have been passed by Septennial parliaments; to which, because they stand yet unrepealed, I shall not give the names I think they deserve.

But, Sir, to ask whether any laws have been passed by Septennial Parliaments, which have been attended with inconveniences, or have been complained of as a grievance, is a question I am surprised to hear come from a gentleman learned in the laws. Was not the fatal South Sea Scheme in the year 1720, established by an act of a Septennial Parliament, and can any man ask, whether that law was attended with any inconvenience? It was, Sir, the most scandalous act that ever was passed by any parliament: if Triennial Parliaments had then been in being, I am persuaded it would never have passed; or if it had, I am sure, the chief promoters of it would have suffered a very different fate from what they did. And, did not the same parliament pass some clauses in an act for hindering the spreading of the plague, that were looked upon by the generality of the people as so great a grievance, and were so loudly complained of by all ranks of people in the nation, that it was thought proper to repeal them in the very next session of parliament?

To the glorious catalogue I have men-

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tioned of laws passed by Septennial Parliaments, we might have added the late Excise Bill, if it had passed into a law; but thank God, the Septennial parliament was near expiring before that famous bill was introduced. To this glorious catalogue I could add, Sir, not a few others; but I will stop here, till I have heard the laws I have mentioned justified by those who seem to be so much in love with Septennial parliaments; and if they can justify all that has been done by such parliaments, I now promise most solemnly to be of their opinion; but till then I hope they will excuse me, in being for the repeal of a law, which, in my opinion, has never done any good, which has produced a great deal of mischief; and which, I am much afraid, will quite overturn our constitution, if it continues for any time unrepealed.

Sir *John Barnard* * spoke next:

Sir; I am a good deal surprised to find that none of those gentlemen who usually have a great share in our debates, seem inclined to take any share in this. I hope they will allow it to be a question of some consequence to their country; and if it should be carried in the affirmative, some of them may perhaps find it a question of some consequence to themselves. I will venture to say, that I have not heard a question better supported on one side, and less said against it on the other, by the gentlemen who have already spoken since I sat in parliament; and I now stand up, not that I think any thing needful to be added to what has been said in support of it, but that I cannot think of letting a question go, in the success of which I think the happiness of my country so deeply concerned, without my joining with other gentlemen in shewing all the regard for it that lies in my power.

An honourable and learned gentleman has indeed advanced a doctrine which I think altogether new: that we are to have no further dependance on our electors after we have taken our seats in this House;

* "Sir John Barnard, knight, was born at Reading in 1685. His parents being quakers, he was brought up at a school at Wandsworth in Surry, appropriated to the education of persons of that persuasion, and derived little information from his master. In 1703, he quitted the society of quakers, was baptised by Compton, bishop of London, and continued a member of the established church. He rose into eminence, solely by his indefatigable assiduity in business and high integrity in his mercantile transactions. He had attained his 36th year, when he first attracted the public notice, and on an occasion wholly unsought by himself. A bill greatly affecting the wine trade, had passed through the House of Commons, and was depending in the upper House. The principal merchants, who would have been injured by the operation of the bill, united in presenting a petition to the lords, praying to be heard against it, by themselves or counsel. Their request being granted, Mr. Barnard, without his knowledge, was selected as the fittest person to prove the grievance, and to answer every objection to the petition. Through some unaccountable negligence he was not acquainted with the business, till the afternoon before he was to be heard by the peers. This singular disadvantage, when it came to be known, made his speech appear the more extraordinary. By the extent of his acquaintance with commerce, and the perspicuity and force of his reasoning, accompanied with a becoming modesty, he contributed in so high a degree to carry the point aimed at, that all the petitioners considered themselves as principally indebted to his talents for their success." [Biographia Britannica.] This instance of his abilities rendered him so conspicuous and popular, that he was put up as a member for London, without the smallest solicitation on his part, and chosen in the warmest contest ever known in that city. His parliamentary abilities were acknowledged by all; and by none more than by sir Robert Walpole, whose measures he almost uniformly opposed. To his talents as a speaker, he paid a due eulogium. As he was riding out with a party, some persons were overheard talking on the other side of a narrow lane, the hedge of which concealed them from view. One of the party saying, whose voice is that? sir Robert replied: do you not know! it is one which I never shall forget. I have often felt its power. On meeting at the end of the lane, adds the biographer, sir Robert Walpole with that enchanting courtesy he possessed, saluting Mr. Barnard, told him what had passed. The minister frequently used to rally his sons who were praising the speeches of Pulteney, Pitt, Littleton, and others, by saying you may cry up their speeches if you please, but when I have answered sir John Barnard, and lord Polwarth, I think I have concluded the debate. In 1728, he was chosen alderman, and in 1737, lord mayor of London. He represented the city of London five successive parliaments. In 1758, the infirmities of old age increasing, he resigned his alderman's gown; and soon afterwards retired from public business to his villa at Clapham in Surry, where he died in 1764, aged 79." Coxe's Walpole.

"The next person in the House of Commons, who I shall mention, and gave much disturbance there to sir Robert Walpole and his

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nay, that a dependance upon them would be more dangerous than a dependance on the crown. This, Sir, is really, in my opinion, something very new; though that gentleman may perhaps like the one better than the other, yet I shall always look upon a dependance on the people of England, or even upon those I represent, to be less dangerous and more honourable than a dependance on the crown; and I value myself more on the honour I have had of sitting here for two parliaments, as one of the representatives of the people of England, and by the free and uncorrupted choice of those I represent, than I should do on the greatest honours the crown can

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administration, was one of the members for the city of London, and the most eminent man among them; not for fortune, which he seemed to have no appetite for, beyond a competency for his rank and fashion, which was that of a merchant by profession (though of no extensive dealings) and of the great offices in the city, all of which he had passed through; but his consideration arose from his own intrinsic worth and abilities, unassisted by any collateral advantages whatsoever. For he had neither birth, alliances, riches, or stations in the government to forward him, but was himself, if ever any man was, the worker out of his true fame. Nor had he the advantages of learning, language, or manner to ornament or set off his natural or acquired endowments, the latter of which lay chiefly in the knowledge of trade, its foundation and extent, and of the whole circle of taxes, funds, money, and credit. In all which he had more sagacity, acuteness, force, and closeness of argumentation, better and more practicable notions, than almost any man I ever knew, with a disinterestedness as to himself, that no temptation of the greatest profit or very high stations (for such he might have had) could have drawn him from the very retired and humble life he generally chose to lead, not only for the sake of his health, but the content of his mind in a moderate habitation, in a neighbouring village to London, from whence he only came, as he was occasionally called to any business of importance in the city or in parliament; in the first of which, he was a great magistrate, and in the other, of true weight and influence. He was besides, of a very regular and religious life, without show or affectation, as in his public deportment, he seemed to have made the best principles of both parties, to be the guide of his political acting: so that he was in truth, one of the greatest examples of private, and in general, of public virtue that this age has produced; and had a popularity arising from that, which, though he did not court or cherish in the way it is usually got and kept up, was more universal and lasting, than that of any man of his time, manifesting itself in calm and real instances of esteem, and not in noise and riot, which he himself would have been the first to suppress. (1764) He is lately dead in full possession of this true fame.

"After so much of the character of sir John Barnard, it cannot be supposed that in his oppositions to sir Robert Walpole, he was at all actuated by the spirit of faction; nor do I believe he was, or that he ever entered with the others into any formed design to ruin or remove him, however he might wish the latter, from the then dislike he seemed to have of the principles of his administration, especially after the famous attempt of sir Robert Walpole to turn the collection of some of the inland duties into an excise, which sir John Barnard had much contributed to defeat; and sir Robert Walpole's manner of debating a scheme, the other had proposed, to reduce the interest of the public debt to 3 per cent. of both which I shall speak more particularly very soon. And here it must be confessed, that his opposing the measures of the government was more constant and settled, and had more of intemperance in it towards sir Robert Walpole, than can seem well to consist with the description I have before given of this gentleman.

"But among all his great qualities he had some blemishes, rather from his constitution, however, than his will and design. He was of a very warm temper, too soon wrought up to passion, and when under that operation, was often deprived of his judgment, and even of his usual discernment. He was likewise too persevering and tenacious of his opinions, and when in the wrong, would shift and refine, and subtilize so much to save himself in his disputing, that, in some instances, with those who did not know him well, it created some unkind suspicions of his sincerity; but all that, I am satisfied, was more owing to the narrowness of the company he kept, and the lead he always had in their conversations, which usually begets impatience of contradiction, and a love of disputing for the sake of victory, than to any fixed intention of imposing upon or deceiving his audience. He had also that regard for the city of London, and the profession of merchants, and that warmth for their interests, and indeed for every person he undertook to serve, that on some occasions, it has threw him into partialities for them that he himself might not perceive, though every body else did. He was not, perhaps, without his vanity too, and that might carry him into a desire of trying his skill with sir Robert Walpole in those matters in which he was thought to have no equal, and to be sure, he had none, unless sir John Barnard was the man; I mean in the business of money and credit, and in this, it was that he chiefly affected and hurt sir Robert, though seldom with any real superiority." Speaker Onslow's Remarks on the Conduct of Opposition: Coxe's Walpole.

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bestow. Indeed, if I had obtained my seat here by bribery, or by the illegal and corrupt influence of any great minister, I should look upon it in a very different light; I should look upon it as one of the most disgraceful stations I could be in.

It has been affirmed by several gentlemen, who have spoken on the other side of the question, that the longer parliaments continued, the less influence the crown had upon them; and for a proof of this, they have instanced the long parliament in king Charles the second's reign. The same gentlemen have likewise asserted, that Triennial parliaments would distress his Majesty's government: how these two assertions are compatible, I leave to the gentlemen themselves to explain; for to me it appears impossible that both can be true: because if the crown has always the less influence in a parliament the longer it continues, surely the shortening the time of its duration cannot distress any king's government. But as to the long parliament in king Charles's time, though they did not towards the end shew the same servile compliance that they had done for many years before; yet it is plain, that the crown thought that parliament fitter for the purposes of the court at that time, than they could expect any new parliament chosen by the people to be; otherwise, as the king had it in his power, he would certainly have dissolved them much sooner: and if that long parliament really deserved the name usually given to it, we must conclude, that their non-compliance at last was not owing to their virtue, or a want of inclination to receive, but to a want of power in the crown to give. The people were not then accustomed to bear such heavy burdens, as they do at present; the revenues of the crown were not so large, nor the posts and places at the disposal of the crown so numerous; there was not such a numerous standing army to support the parliament, in case they had gone on in the same servile method; and as the complaints of the people grew loud and clamorous, as there was little to be got, and a great deal to be apprehended, by the continuance of a servile compliance, it is very probable that these were the true reasons of that parliament's becoming at last so restive; and if the nation was now in the same state it was at that time, I should not be half so much afraid of Septennial parliaments as I think I have now good reason to be.

The animosities, disputes, and divisions about elections, have been set in the most dreadful light, and have been represented as so great an inconvenience, that we ought to run the risk of having our constitution overturned, rather than submit to it. But, Sir, can it be imagined that there would be the same contention for a seat in parliament, which was to continue but for one year, or even for three, that there is for one which is to continue for seven: the example of the city of London plainly shews us the contrary. As the common-councilmen, and a great many other officers in the city are chosen annually, I have had occasion to be often present at these annual elections, and never could find that they were attended with any great heats and animosities, or with any inconvenience; for after the election is over, the contending parties go home, and live in the same friendship they did before: and I am convinced the case would be the very same, if annual elections for members of this House were restored. The same man might perhaps be continued and re-chosen every year for many years together, probably without any dispute or opposition; but his being liable every year to be turned out, would be a continual check upon his behaviour, and would make him study the interests of the people, instead of pursuing only some private and selfish views of his own.

Even as elections stand at present, there would be no such contentions, nor any such heats and animosities as we hear of, if they were entirely left to gentlemen who have a natural interest in the place: in such case, if a candidate found himself defeated by fair means only, and merely by the superior interest of his antagonist, it would not raise his indignation, it would occasion no heats or animosities, he would wait with patience for a new opportunity, and in the mean time would endeavour to recommend himself to his country by acts of hospitality and benevolence. It is ministers of state intermeddling in elections; it is election-brokers, and such dealers in corruption, that occasion all the heats and animosities we have: for when a gentleman, of a great natural interest, sees his electors obliged by power, or bribed by money to vote against him, perhaps in favour of an utter stranger, it cannot but raise his indignation: it may indeed justly raise his utmost fury and revenge.

It is certain, Sir, that if the people were entirely left to themselves they would, without much contention, always chuse

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those gentlemen, who, by having large properties of their own, might be reasonably supposed to be such as would take the best care of the properties of their fellow-subjects. But if the people should ever begin to see their representatives making their seats in parliament places of profit, and bartering their votes and their behaviour in parliament for posts, places and pensions, the people will soon follow the example of their representatives, and will insist upon sharing with them in the profits. Thus by degrees, the minds of the people will be debauched; they will be brought to think, that the selling their votes at elections is no crime, the representatives who buy their seats must sell their votes; and at last, all regard for the public good will be generally laid aside by all sorts of men. The only effectual method, Sir, of preventing this fatal effect, is to restore annual elections; for then it would be impossible, even for the treasury itself (if ever the public money should come to be so misapplied) to issue yearly, sums of money sufficient to get the better of the natural interest, which country gentlemen always have in the places where they and their families have perhaps for many generations resided. The consequence of which will be, that none but country gentlemen, and those who have a natural interest in the place, will ever appear as candidates; and thus neither the morals of the people will be debauched, nor their properties plundered, nor their liberties destroyed by those election-brokers and ministerial agents, or their candidates, who never can be employed or set up but for such base purposes.

As for our credit abroad, which, it is pretended, Septennial Parliaments very much contribute to, I think it is evident, that it has been sinking ever since the Septennial law took place; which confirms what was justly observed by an honourable gentleman, that the credit of the nation among foreigners does not depend upon the length or shortness of our parliaments, but upon that correspondence and confidence which ought always to be kept up between the king and his people. I will not say that this decay of our credit abroad has been altogether owing to the Septennial law: but I dare say, if our parliaments had not been Septennial, they would probably, before now, have enquired into the conduct of those who have been the causes of this decay; and whatever reasons the decay of our credit among foreigners may have been owing to, it is now come to so low an ebb, that we really seem to have almost none to lose. This, I am sorry to say it, seems to be our case at present; and as I think nothing can so effectually restore our credit abroad, as the restoring our constitution at home, I shall therefore give my vote for the question.

Sir *William Yonge* stood up, and spoke as follows:

Sir; I assure you, I did not sit still because I thought much had been said in this debate upon one side of the question, and nothing upon the other; but because after what had been offered by my worthy friend under the gallery, who spoke early in the debate, and the honourable and learned gentleman who spoke some time ago against the question, I thought it might be looked on as a vanity in me to pretend to add any thing to what had been said: Indeed I am still of the same opinion, and should have continued in my resolution of not giving you any trouble this day, had not the honourable gentleman over the way thrown out what I take to be a very uncandid reflection upon my honourable and learned friend.

My learned friend happened to make an observation, which I still think a very just one; he said, that after we are returned and have taken our seats in this House, we ought not any longer to have a dependence upon those we represent. This the honourable gentleman laid hold of, he not only called it a new and a very extraordinary doctrine; but he dropt an expression such as I think ought not to be made use of in this House: As to the observation made by my learned friend, he certainly meant, and I believe almost every gentleman understood him, that after we have taken our seats in this House we ought, every one of us, to look upon ourselves as one of the representatives of the whole body of the Commons of England, and ought not to have any particular bias for the county, city or borough we represent. This, Sir, is so far from being a doctrine very extraordinary, or altogether new, that I wish every gentleman in this House would make it a standing rule for his conduct; for I cannot help observing, that there are some gentlemen in the House who on many occasions confine their thoughts too much to the particular county, city, or borough they represent: but surely

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they must be sensible, that many things may happen in parliament which may be for the interest of the nation in general, though they may not perhaps quadrate so exactly with the particular interest of London, Bristol, Liverpool or other like city; and in such a case the gentlemen must surely grant, that as members of this House, they ought to drop not only their dependence upon, but even their concern for the particular city they represent, in order to concur with the rest of the members of this House, in what they judge to be for the general interest of the nation.

This, Sir, I thought myself obliged to say in vindication of my learned friend; but as to the question itself, I shall give you but very little trouble: for though I must do the gentlemen who introduced this motion the justice to own, that they did it with as much candour, and in as pretty a manner, as I ever heard any question introduced in this House, yet all the arguments they made use of were so fully answered, and the objections against their motion stated in so clear a light, by the two worthy gentlemen who spoke first against their motion, that I cannot agree to it: and indeed, as I believe we owe the happiness of having the present royal family upon the throne, and the liberty of debating any question in this House, chiefly to the Septennial Law, I shall never agree to the repeal of that law, without seeing much stronger reasons for it than any I have hitherto heard offered.

One of the great inconveniences said to attend Septennial Parliaments is, that they heighten and increase those heats and animosities which are usually raised among the people about the time of elections; but this I cannot agree to, because it is well known that those heats and animosities rose to as great a height, nay to a much greater height, during the continuance of Triennial Parliaments, than they ever did since that time; from whence we may observe, that the violence of those heats and animosities does not depend upon the quick or the slow return of elections, but upon the temper of the people at the time. In every nation there arises sometimes a general ferment among the people, sometimes without any visible cause, and often from causes that are in themselves unjust: in this nation, if an election for a new parliament should come on when the nation is in any such ferment, the heats and animosities at that time would certainly become extremely violent, nay so violent, as to endanger the peace of the kingdom; and if we had Annual or even Triennial Parliaments, no such ferment could ever happen but what would probably be attended with an election, by which the nation might be involved in such frequent disorders and confusions, as might at last make us a prey for some foreign enemy; which in my opinion, is a danger much more to be apprehended, than any danger our Constitution can be in from having our Parliaments Septennial.

Another inconvenience is, that Septennial Parliaments increase and give encouragements to bribery and corruption. That there is bribery and corruption, that there always has been bribery and corruption, is a fact I shall not dispute: but, Sir, that the increase or decrease of that vice depends upon the frequent or the rare return of elections, is what I cannot agree to; for I am convinced it will always depend upon the virtue of the people in general, and the humour they happen to be in at the time. I wish bribery and corruption of all kinds could be prevented; but the evil I am afraid is inevitable: for notwithstanding the many express laws against it, notwithstanding the severe law made but a little while ago for preventing it, yet we find that methods have been contrived for evading all those laws, either by giving great entertainment and great plenty of victuals, or by some more secret and corrupt practices, so that the only way to prevent the growth of this evil, is to preserve the virtue of the people, and I believe the best way to preserve the virtue of the people is to give them as few opportunities as possible for being vicious: from whence I must conclude, that for obviating this inconvenience, Septennial Parliaments are better than Triennial.

If so many and so great inconveniences have been felt all over the nation from Septennial Parliaments, if so great complaints have been made, it is very strange Sir, that no attempt has been made, ever since the passing of that law, for the repeal of it; but the time now chosen for making that attempt, shews plainly with what view it is made: it is now the last session of a Parliament, a new election must soon come on, and as this motion has an appearance of popularity among the meaner sort of electors, it may be of service to some gentlemen at the next elections: and as to the contentions about these elections beginning so early, I do not know by whom they were begun, but I believe they

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have been set on foot on purpose to furnish gentlemen with arguments in this day's debate; and an honourable gentleman has accordingly taken hold of it, and has made use of those contentions so early begun, as an argument against Septennial Parliaments.

Another honourable gentleman has given us a glorious catalogue, as he was pleased to call it, of laws passed by Septennial Parliaments; but I think he ought in a particular manner to have guarded against putting the Riot Act into that catalogue, for he knows it was founded on the same motive with the Septennial. It was absolutely necessary for the safety of the government, and had it not been for some executions in Fleet-street, in consequence of that act, I am persuaded it would not have been possible to have preserved the peace of the kingdom at that time: and I must say, that it is somewhat very strange to hear gentlemen arguing against contentions and riots at elections, and at the same time complaining of that law which was made for preventing of riots upon any occasion. As to the law for regulating trials in cases of treason, there was never a more reasonable law passed in parliament: is it not at all times absolutely inconsistent with the safety of the government: nay is it not in itself ridiculous, that rebels and traitors should be tried by a jury of their own friends and relations, embarked in the same wicked designs, and as much disaffected to the government as the prisoners at the bar? Can it be expected that such a jury will ever find the prisoners guilty? And therefore when whole counties had rebelled, what could have been more reasonable, than the sending the rebels of those counties to be tried in other counties, where an honest and a disinterested jury might be found; and as that law was confined to the rebels then in custody, or such as should be taken within a short time after, I am surprised to hear it found fault with.

We have been told, Sir, that the nation in general desires the repeal of the Septennial law, and that instructions have been sent up to several members for that purpose. As to the desires of the nation in general, it is a fact not easy to be determined; I do not know but the mob, I mean such as have no business with elections, may generally desire the repeal of this law, because they would then have an opportunity of getting drunk, committing riots, and living idly, much oftener than they have at present; but as to all those who have any right to vote at elections, I am convinced the generality of them desire no such thing. And as for those instructions that may have been sent up to members, no man is ignorant how they are usually obtained: I saw a copy of one of them lately in one of our evening news-papers, and by the stile of it I may leave any gentleman to judge, what sort of persons they were who sent it, or rather obtained its being sent. As the memory of king William will always, they know, be reverenced in England, by all those who are attached to the true interest of their country, these instructions take particular notice, that the Triennial law was passed in the reign of our great deliverer, king William, of glorious and immortal memory; but does not every man, who has read the history of his reign, know, that that law was promoted by those who were perhaps friends to the revolution, but enemies to the then administration, co-operating with those who were enemies to both?

In short, Sir, the Septennial law, as well as the Riot Act, was passed for the safety and establishment of the present government; and, as I think in my conscience, the repeal of either of them would endanger the government, I am therefore heartily against your question.

Sir *William Wyndham* replied:

Sir; The honourable gentleman who spoke last, in vindicating, as he called it, his learned friend, threw out a very unfair reflection upon the conduct of a worthy gentleman under the gallery, whose behaviour in parliament I have been a witness of, and I can say without flattery it has been as even and as honourable as the behaviour of any gentleman in this House; and if the honourable gentleman thinks otherwise, I dare say he is single in his opinion: he is, I believe, the only man, either in the House or out of it, who thinks so; I wish the behaviour of every other gentleman, I will not say in this, but in former parliaments, had been as unexceptionable; for if it had, I am very sure we should have had no occasion for this day's debate.

The observation made by the learned gentleman, which the honourable gentleman took up so much time to explain, was without exception; it was just, it was plain, and therefore wanted neither an explanation nor a vindication: but, Sir, what the worthy gentleman under the gallery, and

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others as well as he, took nótice of, was an expression that fell from the learned gentleman, I dare say, without design: he said that we were to have no dependance upon our constituents; he went further, he said it was a dangerous dependance; nay, he went further still, and said it was more dangerous than a dependance on the crown: this my worthy friend took notice of, and with his usual modesty, called it a new doctrine. It is, Sir, not only a new doctrine, but it is the most monstrous, the most slavish doctrine was ever heard, and such a doctrine as I hope no man will ever dare to support within these walls. I am persuaded, Sir, the learned gentleman did not mean what the words he happened to make use of may seem to import; for though the people of a county, city or borough may be misled, and may be induced to give instructions which are contrary to the true interest of their country, yet I hope he will allow, that in times past the crown has been oftener misled; and consequently we must conclude, that it is more apt to be misled in time to come, than we can suppose the people to be.

As to the contests about the next election, Sir, that they were begun a long while ago, is a certain fact; but who the beginners were, may not be so certain, or at least not so generally known: and the honourable gentleman who spoke last seemed to be ignorant, or indeed rather to mistake who were the beginners of them; but if he pleases to look about him, he may see one not far distant from him, who, by his agents, was the first and the principal beginner of them in most parts of the kingdom. To see them begin so soon, is no new thing, Sir; it is a stale ministerial artifice; it has been practised ever since Septennial Parliaments took place, and will be practised as long as they continue: ministers of state know well how unequal the contention is between a country gentleman, who has nothing but his own estate (greatly exhausted by the many taxes he pays) to depend on, and ministerial election-mongers, supplied by gentlemen in office, who have for seven years been heaping up money for that purpose, or perhaps supplied even by the public treasure of the nation; and the sooner this contention begins, the greater disadvantage the country gentlemen labour under, the more time those tools of corruption have to practise upon the electors, and to discover where that money may be placed to the best advantage, which is issued for corrupting the people, and overturning the constitution: from hence it is obvious who have been, and who will always be the first beginners of such contentions.

The learned gentleman, as well as some others, particularly an honourable gentleman under the gallery, who spoke early in the debate, and who indeed said as much, and in as handsome a manner as can, in my opinion, be said against the question, has told us, that our constitution has been often varied; and that there was no time when it was such as we ought, or would desire, to return to. Sir, it is not to be doubted but our constitution has often varied, and perhaps there is no time when it was without a fault; but I will affirm, that there is no time in which we may not find some good things in our constitution: there are now, there have been in every century some good laws existing: let us preserve those that are good; if any of them have been abolished, let them be restored, and if any of the laws now in being are found to be attended with inconveniences, let them be repealed. This is what is now desired, this is what the people have reason to expect from Parliament; there is nothing now desired but what the people have a right to; they have now, they always had a right to frequent new parliaments; and this right was established and confirmed even by the Claim of Rights, notwithstanding what the learned gentleman has said to the contrary. At the time of the revolution, nay at the present time, at all times, the word Parliament, in the common way of speaking, comprehends all the sessions held from one election to another: that this is the common meaning of the word, I appeal to every gentleman in this House; and for this reason those patriots, who drew up our Claim of Rights, could not imagine that it was necessary to put in the word 'new:' they could not so much as dream that the two words, Frequent Parliaments would afterwards be interpreted to mean, frequent sessions of parliament; but the lawyers, who are accustomed to confound the sense of the plainest words, immediately found out, that a session of Parliament was a Parliament, and that therefore the words frequent Parliaments, meant only frequent sessions. This quirk the lawyers found out immediately after the revolution; this quirk the courtiers at that time caught hold of; and this set the people anew upon the vindication of their

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rights, which they obtained by the Triennial Bill; by that Bill the right of the people to frequent new parliaments, was established in such clear terms as not to be misunderstood; and God forgive them who consented to the giving it up.

I am extremely surprised, Sir, to hear it said, that the Triennial Bill was introduced by the enemies to the revolution. I will not say, that it was introduced by the courtiers at that time; we seldom see such bills introduced by such gentlemen; but does not every body know, that it was my lord Somers who was the chief promoter of that bill, and that most of those who supported him in it, were gentlemen who had been deeply concerned in bringing about the revolution? It is true, the courtiers opposed it, and even King William himself, by the advice of some wicked ministers, refused to pass it the first time it was offered; but when it came back again to him, he was better advised; and if he had not passed it, he had not done what he ought to do, he had not done all he came to do; nor that which when he came he promised to do, which was to restore the people to the full enjoyment of all their rights and privileges.

To pretend, Sir, that the Triennial Bill was introduced with a view of distressing King William's government, is really casting a reflection upon his government: for to tell us, that the people's claiming those rights, which he came to establish, was a distressing of his government, is to tell us, that his government was contrary to the rights of the people, which is, in my opinion, a very high reflection, and such a one as the gentlemen, who tell us so, would not patiently hear cast upon that reign by others. The other pretence, that Triennial parliaments were the cause of his putting an end to the war, or of that treaty which was so much complained of, is, I am sure, as groundless; for the second war was begun and carried on with great success, under the influence of Triennial parliaments, till the balance of power was fully and so firmly established, that France has never since endeavoured to make the least incroachment upon any of her neighbours: what some late measures may encourage her to do hereafter, I shall not pretend to determine; but this nation has ever since that time enjoyed what I think I may call a profound tranquillity, which, if the Triennial law had remained in force, we would, I believe, have made a much better use of, than we now seem to have done.

The learned gentleman has told us, That the Septennial law is a proper medium between the unlimited power of the crown, and the limiting that power too much; but, Sir, before he had fixed upon this as a medium, he should first have discovered to us the two extremes. I will readily allow, that an unlimited power in the crown, with respect to the continuing of parliaments, is one extreme; but the other I cannot really find out: for I am very far from thinking, that the power of the crown was too much limited by the Triennial law, or that the happiness of the nation was any way injured by it, or can ever be injured by frequent elections. As to the power of the crown, it is very certain, that as long as the administration of public affairs is agreeable to the generality of the people, were they to chuse a new parliament every year, they would chuse such representatives as would most heartily concur in every thing with such an administration; so that even an annual parliament could not be any limitation of the just power of the crown; and as to the happiness of the nation, it is certain, that gentlemen will always contend with more heat and animosity about being members of a long parliament, than about being members of a short one: and therefore the elections for a Septennial Parliament must always disturb the peace, and injure the happiness of the nation, more than the elections for an Annual or Triennial Parliament. Of this the elections in the city of London, mentioned by my worthy friend, are an evident demonstration.

As to the elections coming on when the nation is in a ferment, it is so far from being an objection to frequent elections, that it is in my opinion, Sir, a strong argument in favour of them; because it is one of the chief supports of the freedom of the nation. It is plain, that the people seldom or ever were in a ferment, but when incroachments were made upon their rights and privileges; and when any such are made, it is very proper, nay it is even necessary, that the people should be allowed to proceed to a new election, in order that they may chuse such representatives as will do them justice, by punishing those who have been making incroachments upon them; otherwise one of these two effects may very probably ensue: either the ferment will break out into an open insurrection, or the incroachment that has been made,

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may happen to be forgot before a new election comes on; and then the invaders of the people's rights will have a much better lay for getting such a new parliament chosen, as will not only free them from all punishment, but will confirm the incroachments that have been made, and encourage the making of new. Thus the rights of the people may be nibbled and curtailed by piece-meal, and ambitious criminals may at last get themselves so firmly seated, that it will be out of the power of the people to stop their career, or to avoid the chains which they are preparing.

Now, Sir, to return to the power of the crown, which the learned gentleman has told us was too much limited by the triennial law; I think I have made it plain, that the just power of the crown cannot possibly be limited by frequent elections, and consequently could not be too much limited by the Triennial law; but by long parliaments the crown may be enabled to assume, and to make use of an unjust power. By our constitution the only legal method we have of vindicating our rights and privileges against the incroachments of ambitious ministers is by parliament; the only way we have of rectifying a weak or wicked administration, is by parliament; the only effectual way we have of bringing high and powerful criminals to condign punishment, is by parliament. But if ever it should come to be in the power of the administration to have a majority of this House depending upon the crown, or to get a majority of such men returned, as the representatives of the people, the parliament will then stand us in no stead: It can answer none of these great purposes; the whole nation may be convinced of the weakness or the wickedness of those in the administration; and yet it may be out of the nation's power, in a legal way, to get the fools turned out, or the knaves hanged.

This misfortune, Sir, can be brought upon us by nothing but by bribery and corruption; and therefore there is nothing we ought to guard more watchfully against. And an honourable gentleman who spoke some time ago, upon the same side with me, has so clearly demonstrated, that the elections for a septennial parliament are more liable to be influenced by corruption, than those for a triennial, that I am surprised his argument should be mistaken, or not comprehended; but it seems the most certain maxims, the plainest truths, are now to be controverted or denied. It has been laid down as a maxim, and I think it is a most infallible maxim, that a man will contend with more heat and vigour for a post, either of honour or profit, which he is to hold for a long term, than he will do for one he is to hold for a short term: this has been controverted. It has been laid down as a maxim, and I think equally infallible, that a hundred guineas is a more powerful bribe than fifty; this has been denied: yet nevertheless, I must beg leave to push this argument a little further.

Let us suppose, Sir, a gentleman at the head of the administration, whose only safety depends upon corrupting the members of this House. This may now be only a supposition, but it is certainly such a one as may happen; and if ever it should, let us see whether such a minister might not promise himself more success in a septennial, than he could in a triennial parliament. It is an old maxim, that every man has his price, if you can but come up to it. This, I hope, does not hold true of every man; but I am afraid it too generally holds true; and that of a great many it may hold true, is what, I believe, was never doubted of; though I don't know but it may now likewise be denied: however, let us suppose this distressed minister applying to one of those men who has a price, and is a member of this House; in order to engage this member to vote as he shall direct him, he offers him a pension of 1,000*l.* a year: if it be but a triennial parliament, will not the member immediately consider within himself, if I accept of this pension, and vote according to direction, I shall lose my character in the country, I shall lose my seat in parliament the next election, and my pension will then of course be at an end; so that by turning rogue I shall get but 3000*l.* this is not worth my while? and so the minister must either offer him, perhaps, the double of that sum, or otherwise he will probably determine against being corrupted; but if the parliament were septennial, the same man might perhaps say within himself, I am now in for seven years; by accepting of this pension, I shall have at least 7,000*l.* This will set me above contempt; and if I am turned out at next election, I do not value it, I will take the money in the mean time. Is it not very natural to suppose all this, Sir; and, does not this evidently shew, that a wicked minister cannot corrupt a triennial parliament with the same money with which he may corrupt a septennial?

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Again, suppose this minister applies to a gentleman who has purchased, and thereby made himself member for a borough, at the rate of, perhaps, 1,500*l.* besides travelling charges, and other little expences: suppose the minister offers him a pension of 500*l.* a year to engage his vote, will not he naturally consider, if it be a triennial parliament, that if he cannot get a higher pension he will lose money by being a member; and surely, if he be a right burgess, he will resolve not to sell at all, rather than sell his commodity for less than it cost him; and if he finds he cannot sell at all, he will probably give over standing a candidate again upon such footing; by which not only he, but many others, will be induced to give over dealing in corrupting the electors at the next election.

But in case of a septennial parliament, will he not then probably accept of the 500*l.* pension, if he be one of those men that has a price? because he concludes, that for 1,500*l.* he may always secure his election; and every parliament will put near 2,000*l.* in his pocket, besides reimbursing him all his charges. After viewing the present question in this light, is it possible, Sir, not to conclude, that septennial parliaments, as well as the elections for such, must always be much more liable to be influenced by corruption, than triennial, or the elections for triennial?

For my own part, Sir, I have been often chosen; I have sat in parliament above these twenty years; and I can say with truth, that neither at my election, nor after my return, no man ever dared to attempt to let me know what is meant by bribery and corruption; but I am sorry to hear the impossibility of preventing it mentioned, and mentioned too, Sir, within these walls. The honourable gentleman who spoke last, told us the evil of corruption was inevitable. If I were so unhappy as to think so, I should look upon my country to be in the most melancholy situation. Perhaps it may be the way of thinking among those he keeps company with; but I thank God I have a better opinion of my countrymen; and since it appears to be a way of thinking among some gentlemen, it is high time for us to contrive some method of putting it out of their power to corrupt the virtue of the people; for we may depend upon this as a certain maxim, that those who think they cannot gain the affections of the people, will endeavour to purchase their prostitution; and the best way to prevent the success of their endeavours, is to raise the price so high as to put it out of the power of any man, or of any set of men to come up to it. If a parliament is to be purchased, if elections are to be purchased, it is manifest the corrupting of triennial must, upon the whole, cost a great deal more than the corrupting of septennial elections or parliaments: therefore, in order to put it out of the power of any man, or of any administration, to purchase the prostitution of a parliament or of the people, let us return to triennial parliaments; and if that will not do, let us return to annual elections, which, I am very certain, would render the practice of corruption impossible. This, Sir, is now the more necessary, because of the many new posts and places of profit which the crown has at its disposal, and the great civil-list settled upon his present Majesty, and which will probably be continued to his successors. This, I say, urges the necessity for frequent new parliaments; because the crown has it now more in their power than formerly, to seduce the people, or the representatives of the people, in case any future administration should find it necessary for their own safety to do so.

That the increase or decrease of corruption at elections, or in parliament, must always depend upon the increase or decrease of virtue among the people, I shall readily grant; but it is as certain, that the virtue of almost every particular man depends upon the temptations that are thrown in his way; and according to the quantity of virtue he has, the quantity of temptation must be raised, so as at last to make it an overbalance for his virtue. Suppose then, Sir, that the generality of the electors in England have virtue enough to withstand a temptation of five guineas each, but not virtue enough to withstand a temptation of ten guineas, one with another. Is it not then much more probable, that the gentlemen who deal in corruption, may be able to raise as much money, once every seven years, as will be sufficient to give ten guineas each, one with another, to the generality of the electors, than that they will be able to raise such a sum once in every three years? And is it not from thence certain, that the virtue of the people in general is in greater danger of being destroyed by Septennial than by Triennial parliaments? To suppose, Sir, that every man's vote at an election is like a commodity which must be sold at the market price, is really to suppose that no man has any virtue at all; for I will aver,

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that when once a man resolves to sell his vote at any rate, he has then no virtue left, which, I hope is not the case with many of our electors; and therefore the only thing we are to apprehend is, lest so high a price should be offered as may tempt thousands to sell, who had never before any thoughts of carrying such a commodity to market. This, Sir, is the fatal event we are to dread, and it is much more to be dreaded from Septennial than from Triennial Parliaments. If we have therefore any desire to preserve the virtue of our people; if we have any desire to preserve our constitution; if we have any desire to preserve our liberties, our properties, and every thing that can be dear to a free people, we ought to restore the Triennial law; and if that be found to be insignificant, we ought to abolish prorogations, and return to annual elections.

The learned gentleman spoke of the prerogative of the crown, and asked us, If it had lately been extended beyond those bounds prescribed to it by law. Sir, I will not say that there has been lately any attempts to extend it beyond the bounds prescribed by law; but I will say, that those bounds have been of late so vastly enlarged that there seems to be no great occasion for any such attempt. What are the many penal laws made within these forty years, but so many extensions of the prerogative of the crown, and as many diminutions of the liberty of the subject? And whatever the necessity was that brought us into the enacting of such laws, it was a fatal necessity; it has greatly added to the power of the crown, and particular care ought to be taken not to throw any more weight into that scale. Perhaps the enacting of several of those penal laws might have been avoided; I am persuaded the enacting of the law relating to trials for treason, not only might, but ought to have been avoided, for though it was but a temporary law, it was a dangerous precedent; and the rebellion was so far from being general in any county as not to leave a sufficient number of faithful subjects for trying those who had committed acts of treason within the county.

In former times the crown had a large estate of its own; an estate sufficient for supporting the dignity of the crown; and as we had no standing armies, nor any great fleets to provide for, the crown did not want frequent supplies; so that they were not under any necessity of calling frequent parliaments; and as parliaments were always troublesome, often dangerous to ministers, therefore they avoided the calling of any such as much as possible: but though the crown did not then want frequent supplies, the people frequently wanted a redress of grievances, which could not be obtained but by parliament; therefore the only complaint then was, that the crown did not call any parliament at all, or did not allow them to sit long enough: this was the only complaint, and to remedy this, it was thought sufficient to provide for having frequent parliaments, every one of which, it was presumed, was always to be a new parliament; for it is well known, that the method of prorogation was of old very rarely made use of, and was first introduced by those who were attempting to make encroachments upon the rights of the people.

But now, Sir, the case is altered; the crown, either by ill management, or by prodigality and profuseness to its favourites, has spent or granted away all that estate; and the public expence is so much enlarged, that the crown must have annual supplies, and is therefore under the necessity of having the parliament meet every year; but as new elections are always dangerous as well as troublesome to ministers of state, they are for having them as seldom as possible; so that the complaint is not now for want of frequent meetings or sessions of parliament, but against having the same parliament continued too long. This is the grievance now complained of; this is what the people desire; this is what they have a right to have redressed. The members of parliament may for one year be looked on as the real and true representatives of the people; but when a minister has seven years to practise upon them, and to feel their pulses, they may be induce to forget whose representatives they are; they may throw off all dependance upon their electors, and become dependants upon the crown, or rather upon the minister for the time being, which the learned gentleman has most ingenuously confessed to us, he thinks less dangerous than a dependance upon his electors.

We have been told, Sir, in this House, that no faith is to be given to prophecies, therefore I shall not pretend to prophesy: but I may suppose a case, which, though it has not yet happened, may possibly happen. Let us then suppose, Sir, a man abandoned to all notions of virtue or honour, of no great family, and of but a mean for-

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tune, raised to be chief minister of state, by the concurrence of many whimsical events; afraid or unwilling to trust any but creatures of his own making, and most of them equally abandoned to all notions of virtue or honour; ignorant of the true interest of his country, and consulting nothing but that of enriching and aggrandizing himself and his favourites; in foreign affairs trusting none but such whose education makes it impossible for them to have such knowledge or such qualifications as can either be of service to their country, or give any weight or credit to their negociations: Let us suppose the true interest of the nation by such means neglected or misunderstood, her honour and credit lost, her trade insulted, her merchants plundered and her sailors murdered; and all these things overlooked, only for fear his administration should be endangered: Suppose him next possessed of great wealth, the plunder of the nation, with a parliament of his own chusing, most of their seats purchased, and their votes bought at the expence of the public treasure: In such a parliament, let us suppose attempts made to enquire into his conduct, or to relieve the nation from the distress he has brought upon it; and when lights proper for attaining those ends are called for, not perhaps for the information of the particular gentlemen who call for them, but because nothing can be done in a parliamentary way, till these things be in a proper way laid before parliament; suppose these lights refused, these reasonable requests rejected by a corrupt majority of his creatures, whom he retains in daily pay, or engages in his particular interest, by granting them those posts and places which ought never to be given to any but for the good of the public: Upon this scandalous victory, let us suppose this chief minister pluming himself in defiances, because he finds he has got a parliament, like a packed jury, ready to acquit him at all adventures: Let us farther suppose him arrived to that degree of insolence and arrogance, as to domineer over all the men of ancient families, all the men of sense, figure or fortune in the nation; and as he has no virtue of his own ridiculing it in others, and endeavouring to destroy or corrupt it in all.

I am still not prophesying, Sir, I am only supposing; and the case I am going to suppose I hope never will happen: but with such a minister and such a parliament, let us suppose a prince upon the throne, either for want of true information, or for some other reason, ignorant and unacquainted with the inclinations and the interest of his people, weak, and hurried away by unbounded ambition and insatiable avarice: This case, Sir, has never yet happened in this nation; I hope, I say, it will never exist; but as it is possible it may, could there any greater curse happen to a nation, than such a prince on the throne, advised and solely advised by such a minister, and that minister supported by such a parliament. The nature of mankind cannot be altered by human laws, the existence of such a prince, or such a minister we cannot prevent by act of parliament, but the existence of such a parliament I think we may; and as such a parliament is much more likely to exist, and may do more mischief while the Septennial Law remains in force, than if it were repealed, therefore I am most heartily for the repeal of it.

Mr. *Henry Pelham* spoke next against the motion:

Sir; The honourable gentleman who spoke last, as he always guards what he says, and speaks with so much decency, that no notice can be taken of it in a parliamentary way, so in the last suppositions he was pleased to make, he observed so much caution, that no observations can be made on any thing he said, as being contrary to the orders of this House; yet whatever suppositions he may please to make with respect to ministers, I think he ought not to proceed any higher, and therefore I wish he had spared the last: However, Sir, as these suppositions, and indeed every other supposition I have heard, are all imaginary, I shall take no farther notice of them: They were certainly foreign to the question in debate, and had, I think, been better let alone.

As to the contentions about elections, I shall not pretend, Sir, to determine by whom they were begun, but I think I can easily account for their having been begun at the time they were, and that in a method very different from that laid down by the honourable gentleman who spoke last: It is well-known what a spirit, if not of disaffection, I am sure I may say of distraction, was artfully raised during last session of parliament, in most parts of this nation, by the misrepresentation of an affair, before it was well understood, and which when it came to be explained could no way bear the meaning they put upon it:

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This was thought a proper opportunity, by those who raised that spirit, to work upon the passions of the people, in order to gain their favour, and to engage their votes, neither of which they knew they had any chance for in any other way; and this, Sir, I really believe, was the reason why the contentions about elections began so early in most parts of the kingdom; so that if the gentleman meant my honourable friend by me, he was very much mistaken; but if he look another way, and that within his view, he may find out the first chief beginner of all these disturbances.

As to the question itself, Sir, as I did not intend to have troubled you in this debate, and as the question has been already so fully, and so handsomely opposed by the honourable gentleman under the gallery, and by several others, I shall only say in general, that as I am not sensible of any inconvenience that attends Septennial parliaments, but what would in a much greater degree attend Triennial, and as we know from experience, that too frequent elections keep the nation in a continual ferment, and always must expose us to the many evils that ensue from faction and sedition, therefore I shall give my vote against the question.

Mr. *William Pulteney* rose up, and said:

Sir; I intended from the beginning, to have spoke in this debate; but as I now speak so late in it, I can have but little new to offer, the gentlemen who have spoken before me, have almost entirely exhausted the argument; and I am sure, if those who have heard the debate are to be determined, as I hope they will, by what has been offered for and against the question, it will hardly bear a division. However, as I voted for this bill on a former occasion, and as the principal, and indeed the only motive, which made me do so, now no longer subsists, I think myself obliged thus publicly to declare, that I am now as zealous to have it repealed, as I then was to have it enacted. When a country, or the government of a country, is in any imminent danger, it often happens, that people think regulations necessary, which when the danger is over, appear to be attended with as pernicious consequences, as that very danger which they were made to prevent; and in such a case, surely every honest man must be as fond of having them abolished, as ever he was of having them established.

The honourable gentleman who spoke last, though he let drop some expression with relation to that contention already begun about our ensuing elections, which I might take some notice of, yet as he generally speaks with very great candour, I think it would be too severe not to pardon any slip he may have made in that respect. But as to the spirit raised in the nation last session of parliament, which he says was raised by misrepresentation, and was pleased to call a spirit, if not of disaffection, at least of distraction, I do not know, but it may have been represented as such in another place; and whether that was a misrepresentation, I shall leave to the world to judge. But of all misrepresentations, I will say, the most criminal is that of misrepresenting to the King the true sentiments and real inclinations of his people; for, however much some gentlemen may find their interest in it, I am sure it is not their duty to do so: but I hope his present Majesty will always be able to distinguish, and it is the duty of parliament to inform him how to distinguish between disaffection to his government, and disaffection to his minister. If the honourable gentleman thinks, that the affair which occasioned the rise of that spirit, was at first misrepresented, or that it gained any advantage by being fully explained, he is, in the opinion of, I believe, much the greatest part of the nation, vastly mistaken; for, the more seriously that affair has been considered, the more fully it has been explained, the more horrible it has appeared: so that the spirit, which was raised in opposition to it, was so far from being unjustly, or groundlessly raised, that I believe it would have been for the advantage of the nation, that a new election had come on, when that spirit was in its greatest vigour; and I hope it will not altogether subside, till the people have fully secured their liberties against all such attempts for the future.

To imagine, Sir, that frequent elections should ever become the cause of faction and sedition, is, in my opinion, something very extraordinary; for it is certain, that seditions have always proceeded from a general discontent among the people, and a long disappointment of meeting in a legal way, with that redress which they had reason to expect; and till this discontent becomes violent as well as general, no faction will ever break out into sedition: then indeed faction begins to change its name, and those men, who at first perhaps with justice were charged with being

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factious, become then the patrons and the protectors of the rights of the people, and of the liberties of their country; for nothing can be called faction, but when a set of men combine and unite together against a wise and a just government, which no government can be, that disobliges and irritates the generality of the people. The certain and the only way therefore of preventing sedition, and disappointing faction, is to give the people frequent opportunities of representing their grievances, and obtaining redress in that legal way which is prescribed by the constitution of their country. Such a way ought certainly to be established, and is established in every wise constitution; otherwise the people will seek that by sedition, which they find they cannot obtain by law; and the method which is established by our constitution, is by a parliament chosen by the free and uncorrupted voice of the people; therefore in order to avoid sedition, every thing ought to be carefully avoided, which may tend to the interrupting the free choice of the people; and the oftener this choice is made, the better our country is guarded against sedition; because in a long parliament the people may in the beginning of it be disobliged; they may despair of obtaining redress from that parliament, and before the end their discontents may become so violent, as to break out in seditions and insurrections.

Faction and sedition, Sir, are two words that have always been made use of by the advocates for arbitrary power, in order to induce the people to give up those privileges upon which their liberties depended, or to divert them from reassuming, or vindicating those which had been before foolishly given up, or unjustly usurped and taken from them; but it is to be hoped, those two hideous words will never in this country have the desired effect. It has been already fully shewn, that the elections for a long parliament must always be attended with more violent heats and animosities than the election for a short, consequently the country must always be more exposed to factions and seditions by the former, than by the latter: I do not know, but the election for a parliament may come at last to be like the election of a king of Poland; it may be always attended with a civil war, perhaps with an unwelcome visit from some of our neighbours. Therefore if the fears of faction and sedition be any argument against frequent elections, as good an argument may from thence be drawn against electing any new parliament at all; so that I do not know but I may see a proposition made for continuing our seats in this House for life; and after that, it may be thought proper to make a law for transmitting them to our heirs, nay even to our executors or administrators.

An honourable gentleman seemed much surprised that the Riot-Act should have been mentioned upon this occasion, or that any gentleman should have the least thought of having it repealed. Sir, I declare, upon my honour, that of all the actions I ever did in my life, there is not one I more heartily and sincerely repent of, than my voting for the passing of that law. I believe I am as little suspected of disaffection to his Majesty or his family as any man in the kingdom; it was my too great zeal for his illustrious family transported me to give that vote, for which I am now heartily grieved: but even then I never imagined it was to remain a law for ever; no, Sir! This government is founded upon resistance; it was the principle of resistance that brought about the revolution, which cannot be justified upon any other principle. Is then passive obedience and non-resistance to be established by a perpetual law, by a law the most severe and the most arbitrary in England, and that under a government which owes its very being to resistance? The honourable gentleman who first mentioned it said very right, it is a scandal it should remain in our statute books; and I will say, they are no friends to his Majesty or to his government who desire it should; for it destroys that principle upon which is founded one of his best titles to the crown: while this remains a law, we cannot well be called a free people; a little justice of the peace, assisted perhaps by a serjeant and a parcel of hirelings, may almost at any time have the lives of twenty gentlemen of the best families in England in his power.

As to bribery and corruption, Sir, it has been so fully and so clearly demonstrated that Septennial Parliaments are more liable than Triennial to be influenced by such base methods, that I shall conclude with observing what every gentleman I believe is sensible of: it is come to a most intolerable height; in many, nay in most parts of our constitution, we are sunk to the lowest and vilest dregs of corruption; and if some extraordinary event do not prevent it, our constitution will soon be irrecoverably lost.

Sir *Robert Walpole* replied:

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Sir; I do assure you, I did not intend to have troubled you in this debate, but such incidents now generally happen towards the end of our debates, nothing at all relating to the subject, and gentlemen make such suppositions, meaning some person, or perhaps, as they say, no person now in being, and talk so much of wicked ministers, domineering ministers, ministers pluming themselves in defiances, which terms, and such like, have been of late so much made use of in this House, that if they really mean nobody either in the House or out of it, yet it must be supposed they at least mean to call upon some gentleman in this House to make them a reply: and therefore I hope I may be allowed to draw a picture in my turn; and I may likewise say, that I do not mean to give a description of any particular person now in being. When gentlemen talk of ministers abandoned to all sense of virtue or honour, other gentlemen may, I am sure, with equal justice, and, I think, more justly, speak of anti-ministers and mock patriots, who never had either virtue or honour, but in the whole course of their opposition are actuated only by motives of envy, and of resentment against those who may have disappointed them in their views, or may not perhaps have complied with all their desires.

But now, Sir, let me too suppose, and the House being cleared, I am sure no person that hears me can come within the description of the person I am to suppose: let us suppose in this, or in some other unfortunate country, an anti-minister, who thinks himself a person of so great and extensive parts, and of so many eminent qualifications, that he looks upon himself as the only person in the kingdom capable to conduct the public affairs of the nation, and therefore christening every other gentleman, who has the honour to be employed in the administration, by the name of blunderer: suppose this fine gentleman lucky enough to have gained over to his party some persons really of fine parts, of ancient families, and of great fortunes, and others of desperate views, arising from disappointed and malicious hearts; all these gentlemen, with respect to their political behaviour, moved by him, and by him solely; all they say either in private or public, being only a repetition of the words he has put into their mouths, and a spitting out of that venom which he has infused into them; and yet we may suppose this leader not really liked by any, even of those who so blindly follow him, and hated by all the rest of mankind: we will suppose this Anti-minister to be in a country where he really ought not to be, and where he could not have been but by an effect of too much goodness and mercy, yet endeavouring with all his might, and with all his art, to destroy the fountain from whence that mercy flowed: in that country, suppose him continually contracting friendships and familiarities with the ambassadors of those princes, who at the time happen to be most at enmity with his own. And if at any time it should happen to be for the interest of any of those foreign ministers to have a secret divulged to them, which might be highly prejudicial to his native country, as well as to all its friends; suppose this foreign minister applying to him, and he answering I will get it you, tell me but what you want, I will endeavour to procure it for you. Upon this, he puts a speech or two in the mouths of some of his creatures, or some of his new converts: what he wants, is moved for in Parliament; and when so very reasonable a request as this is refused, suppose him and his creatures and tools, by his advice, spreading the alarm over the whole nation, and crying out, Gentlemen, our country is at present involved in many dangerous difficulties, all which we would have extricated you from, but a wicked minister, and a corrupt majority, refused us the proper materials; and upon this scandalous victory, this minister became so insolent as to plume himself in defiances. Let us farther suppose this Anti-minister to have travelled, and at every court where he was, thinking himself the greatest minister, and making it his trade to betray the secrets of every court where he had before been; void of all faith or honour, and betraying every master he ever served. Sir, I could carry my suppositions a great deal farther; and, I may say, I mean no person now in being: but if we can suppose such a one, can there be imagined a greater disgrace to human nature than such a wretch as this?

Now, Sir, to be serious, and to talk really to the subject in hand: though the question has been already so fully and so handsomely opposed by my worthy friend under the gallery, by the learned gentleman near me, and by several others, that there is no great occasion to say any thing farther against it; yet as some new matter has been started by some of the gentlemen who have since that time spoke

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upon the other side of the question, I hope the House will indulge me the liberty of giving some of those reasons which induce me to be against the motion. In general, I must take notice, that the nature of our constitution seems to be very much mistaken by the gentlemen who have spoken in favour of this motion. It is certain, that ours is a mixt government, and the perfection of our constitution consists in this, that the monarchical, aristocratical and democratical forms of government are mixt and interwoven in ours, so as to give all the advantages of each, without subjecting us to the dangers and inconveniencies of either. The democratical form of government, which is the only one I have now occasion to take notice of, is liable to these inconveniences, that they are generally too tedious in their coming to any resolution, and seldom brisk and expeditious enough in carrying their resolutions into execution: that they are always wavering in their resolutions, and never steady in any of the measures they resolve to pursue; and that they are often involved in factions, seditions and insurrections, which exposes them to be made the tools, if not the prey of their neighbours: therefore in all the regulations we make, with respect to our constitution, we are to guard against running too much into that form of government which is properly called democratical: this was, in my opinion, the effect of the Triennial law, and will again be the effect, if ever it should be restored.

That Triennial elections would make our government too tedious in all their resolves, is evident, because in such case, no prudent administration would ever resolve upon any measure of consequence, till they had felt not only the pulse of the parliament, but the pulse of the people; and the ministers of state would always labour under this disadvantage, that as secrets of state must not be immediately divulged, their enemies (and enemies they will always have) would have a handle for exposing their measures, and rendering them disagreeable to the people, and thereby carrying perhaps a new election against them, before they could have an opportunity of justifying their measures, by divulging those facts and circumstances from whence the justice and the wisdom of their measures would clearly appear.

Then, Sir, it is by experience well known, that what is called the populace of every country, are apt to be too much elated with success, and too much dejected with every misfortune; this makes them wavering in their opinions about affairs of state, and never long of the same mind: and as this House is chosen by the and unbiassed voice of the people in general, if this choice were so often renewed, we might expect, that this House would be as wavering, and as unsteady as the people usually are; and it being impossible to carry on the public affairs of the nation without the concurrence of this House, the ministers would always be obliged to comply, and consequently would be obliged to change their measures as often as the people changed their minds.

With Septennial Parliaments, Sir, we are not exposed to either of these misfortunes, because, if the ministers, after having felt the pulse of the Parliament, which they can always soon do, resolve upon any measures, they have generally time enough before the new election comes on, to give the people a proper information, in order to shew them the justice and the wisdom of the measures they have pursued; and if the people should at any time be too much elated, or too much dejected, or should without a cause change their minds, those at the helm of affairs have time to set them right, before a new election comes on.

As to Faction and Sedition, Sir, I will grant that in monarchical and aristocratical governments, it generally arises from violence and oppression; but in democratical governments, it always arises from the people's having too great a share in the government: for in all countries, and in all governments, there always will be many factious and unquiet spirits, who can never be at rest either in power or out of power: when in power, they are never easy, unless every man submits entirely to their direction; and when out of power, they are always working and intriguing against those that are in, without any regard to justice, or to the interest of their country. In popular governments such men have too much game, they have too many opportunities for working upon and corrupting the minds of the people, in order to give them a bad impression of, and to raise discontents against those that have the management of the public affairs for the time; and these discontents often break out into seditions and insurrections. This, Sir, would in my opinion be our misfortune, if our parliaments were either annual or triennial: by such frequent elections, there would be so much power

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thrown into the hands of the people, as would destroy that equal mixture, which is the beauty of our constitution: in short, our government would really become a democratical government, and might from thence very probably diverge into a tyrannical. Therefore, in order to preserve our constitution, in order to prevent our falling under tyranny and arbitrary power, we ought to preserve that law, which I really think has brought our constitution to a more equal mixture, and consequently greater perfection than it was ever in before that law took place.

As to Bribery and Corruption, Sir, if it were possible to influence by such base means, the majority of the electors of Great Britain, to chuse such men as would probably give up their liberties; if it were possible to influence, by such means, a majority of the members of this House to consent to the establishment of arbitrary power, I should readily allow, that the calculations made by the gentlemen of the other side were just, and their inference true; but I am persuaded, that neither of these is possible. As the members of this House generally are, and must always be, gentlemen of fortune and figure in their country; it is possible to suppose, that any of them could by a pension or a post be influenced to consent to the overthrow of our constitution, by which the enjoyment, nor only of what he got, but of what he before had, would be rendered altogether precarious? I will allow, Sir, that with respect to bribery, the price must be higher or lower, generally in proportion to the virtue of the man who is to be bribed; but it must likewise be granted, that the humour he happens to be in at the time, the spirit he happens to be endowed with, adds a great deal to his virtue; when no incroachments are made upon the rights of the people, when the people do not think themselves in any danger, there may be many of the electors, who by a bribe of ten guineas, might be induced to vote for one candidate rather than another; but if the court were making any encroachments upon the rights of the people, a proper spirit would, without doubt, arise in the nation, and in such a case I am persuaded, that none, or very few, even of such electors, could be induced to vote for a court-candidate, no not for ten times the sum.

There may, Sir, be some Bribery and Corruption in the nation, I am afraid there will always be some; but it is no proof of it, that strangers are sometimes chosen: for a gentleman may have so much natural influence over a borough in his neighbourhood, as to be able to prevail with them to chuse any person he pleases to recommend: and if upon such recommendation they chuse one or two of his friends, who are perhaps strangers to them, it is not from thence to be inferred, that the two strangers were chosen their representatives by the means of Bribery and Corruption.

To insinuate, Sir, that money may be issued from the public treasury for bribing elections, is really something very extraordinary; especially in those gentlemen who know how many checks are upon every shilling that can be issued from thence; and how regularly the money granted in one year for the public service of the nation, must always be accounted for the very next session in this House, and likewise in the other, if they have a mind to call for any such account. And as to the gentlemen in offices, if they have an advantage over country gentlemen, in having something else to depend on besides their own private fortunes, they have likewise many disadvantages: they are obliged to live here at London with their families, by which they are put to a much greater expence, than gentlemen of equal fortunes who live in the country: this lays them under a very great disadvantage, with respect to the supporting their interest in the country. The country gentleman, by living among the electors, and purchasing the necessaries for his family from them, keeps up an acquaintance and correspondence with them without putting himself to any extraordinary charge; whereas a gentleman who lives in London, has no other way of keeping up an acquaintance or correspondence among his friends in the country, but by going down once or twice a year at a very extraordinary charge, and often without any other business: so that we may conclude, a gentleman in office cannot, even in seven years, save much for distributing in ready money, at the time of an election; and I really believe, if the fact were narrowly enquired into, it would appear that the gentlemen in office are as little guilty of bribing their electors with ready money, as any other set of gentlemen in the kingdom.

That there are ferments often raised among the people without any just cause, is what I am surprised to hear controverted, since very late experience may

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convince us of the contrary: do not we know what a ferment was raised in the nation towards the latter end of the late queen's reign? and it is well known what a fatal change in the affairs of this nation was introduced, or at least confirmed by an election's coming on while the nation was in that ferment. Do not we know what a ferment was raised in the nation soon after his late Majesty's accession? And if an election had then been allowed to come on while the nation was in that ferment, it might perhaps have had as fatal effects as the former; but, thank God, this was wisely provided against by the very law which is now wanted to be repealed.

It has, indeed, Sir, been said, that the chief motive for enacting that law now no longer exists: I cannot admit that the motive they mean was the chief motive; but even that motive is very far from having entirely ceased. Can gentlemen imagine, that in the spirit raised in the nation but about a twelvemonth since, Jacobitism and disaffection to the present government had no share? Perhaps some who might wish well to the present establishment did co-operate, nay, I do not know but they were the first movers of that spirit; but it cannot be supposed that the spirit then raised should have grown up to such a ferment, merely from a proposition which was honestly and fairly laid before a parliament, and left entirely to their determination. No, Sir, the spirit was perhaps begun by those who are truly friends to the illustrious family we have now upon the throne; but it was raised to a much greater height than, I believe, even they designed, by Jacobites, and such as are enemies to our present establishment, who thought they never had a fairer opportunity of bringing about what they have so long and so unsuccessfully wished for, than that which had been furnished them by those who first raised that spirit. I hope the people have now in a great measure come to themselves, and therefore I doubt not but the next elections will shew that when they are left to judge coolly they can distinguish between the real and the pretended friends to the government: but I must say, if the ferment then raised in the nation had not already greatly subsided, I should have thought a new election a very dangerous experiment; and as such ferments may hereafter often happen, I must think that frequent elections will always be dangerous; for which reason, in so far as I can see at present I shall, I believe, at all times think it a very dangerous experiment to repeal the Septennial Bill. *

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* "It is impossible at this distance of time to appreciate exactly the effect of the minister's speech; but a contemporary writer [Tindal] asserts, that it was one of the best he ever made. The fate of these two speeches is singular: sir William Wyndham, by his disrespectful allusions to the King, drew on himself a reproof, the justice of which neither himself or his friends have endeavoured to disprove. It was considered as an intemperate effusion, and did not lose the minister a single supporter in parliament, or a single adherent in the country; yet it has been carefully inserted by party writers, calling themselves historians, while that of the minister has been no less invidiously suppressed.

"Walpole's speech, as far as it relates to that personality which seems to be the recommending characteristic of the other, has certainly less claim to be recorded, because the character and situation of Bolingbroke, contrasted with his own, are less able to give permanence and publicity to invective. The faults of an ex-minister, or aspiring leader of a party, are less interesting to the community, than those of the man who holds the reins of government. But the immediate result of Walpole's unpremeditated reply to this studied attack, was a sense of shame in the opposition Whigs, and of indignation in the principal Tories, which interrupted their cordial union. Several Whigs re-united themselves to the minister, and the leading Tories, ashamed of appearing the puppets of Bolingbroke, though they continued to thwart and oppose the measures of government, did not, of themselves, bring forward any new question during the remainder of the session.

"It may not perhaps be improper in this place to observe, that the sensation which Walpole's speech made in the House of Commons, and the effect which it had out of doors, in developing the intrigues of Bolingbroke with the opposition in England, and of laying open his cabals with foreign courts and ministers, were the immediate cause, that he quitted this country, and retired to France. Pulteney, who saw and appreciated the fatal consequences of his unpopularity among the Whigs, to which party he himself was always cordially attached, bitterly complained that sir William Wyndham received too implicitly the dictates of Bolingbroke. With a view therefore to remove this stigma from opposition, he recommended to him a temporary retirement from England. Bolingbroke was extremely mortified, that all his repeated professions of honour, virtue and disinterestedness, did not gain credit; he found himself reduced to the most wretched situation which an aspiring mind like his could suffer, that of being excluded from a share in the legislature, and heading a party

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Besides the several gentlemen whom we have mentioned, Mr. Edward Harley, Mr. Shippen, and sir Edward Stanley, spoke in favour of the question; but upon a division it was carried against Mr. Bromley's motion by 247 to 184.

LIST OF THE MEMBERS WHO VOTED FOR AND AGAINST THE REPEAL OF THE SEPTENNIAL ACT.

For the Repeal.

Abdy, sir Robt.
Acton, Will.
Aislabie, Will.
Allington, Marmaduke
Annesley, Francis
Archer, ——
Astley, sir John
Aston, sir Tho.
Bacon, Tho. Sclater
Bacon, sir Edmund
Bagot, sir W. Wagstaff
Banks, John
Banks. Joseph
Barnard, sir John
Barrington, sir John
Bateman, visc.
Bathurst, Peter
Bathurst, Benjamin
Beaumont, sir Geo.
Berkeley, hon. Geo.
Bigg, John
Bishop, sir Cecil
Bold, Peter
Boscawen, hon. Hugh
Bowes, George
Bramston, Tho.
Broke, Philip
Bromley, Will.
Browne, John
Bruce, sir J. Hope
Bulkeley, visc.
Bunbury, sir Charles
Cæsar, Charles
Cartwright, Tho.
Carew, sir Will.
Cavendish, lord Jas.
Charlton, St. John
Chafin, George
Chetwynd, visc.
Chetwynd, John
Child, sir Francis
Child, Will. Lacon
Cholmondeley, Chas.
Clarke, George
Cockburn, John
Cocks, Eames
Coffin, Rich.
Colerain, lord
Compton, hon. Geo.
Cornbury, visc.
Cornewall, Velters
Cotton, sir J. Hynde
Courtenay, sir Will.
Crispe, Tho.
Dalrymple, capt. John
Dalrymple, sir Jas.
Dalrymple, h. col. W.
Davers, sir Jermyn
Deering, sir Edw.
Desbouverie, sir Edw.
Devereux, hon. Price
Digby, hon. Edw.
Drew, Francis
Duff, William
Dundass, Robert
Edwards, Thomas
Erskine, Thomas
Fazakerley, Nicholas
Fenwick, Nicholas
Finch, hon. John, (Maidstone)
Finch, hon. John
Foley, Edward
Fortescue, hon. Theo.
Fulier, John
Furnese, Henry
Gay, Robert
Gower, hon. Baptist L.
Gower, hon. Will. L.
Grosvenor, sir Robt.
Gybbon, Philip
Hall, Chas.
Harley, Edward
Harrison, Thomas
Harvey, Michael
Hawkins, Philip
Heathcote, George
Henley, Anthony
Hylton, John
Hoby, sir Thomas
Horner, Tho. S.
Howe, John
Jenison, Ralph
Inchiquin, earl of
Inwen, Thomas
Isham, sir Justinian
Kemp, sir Robert
Kemp, Robt.
Keyt, sir Will.
Lee, sir Thomas
Lee, George
Leigh, hon. Chas.
Levinz, William
Lewen, George
Limerick, visc.
Lisle, Edw.
Lister, Thomas
Lloyd, Rich.
Lowther, sir Tho.
Lutterel, Alex.
Lutwyche, Tho.
Lyster, Richard
Mackenzie, sir Geo.
Mansel, hon Bussy
Masters, Tho.
Master, Legh
Meadows, Sidney
Meredith, sir Roger
Merril, John
Monoux, sir Humph.
Mordaunt, sir Chas.
Morpeth, visc.
Morrice, sir Will.
Mostyn, sir Roger
Murray, John
Myddleton, John
Newland, Will.
Newton, sir Mich.
Nightingale, J. Gasc.
Ongley, Samuel
Packer, W. Howard
Page, John
Palmer, Thomas
Parker, Armstead
Parsons, Humphrey
Perrot, Henry
Perry, Micajah
Philips, Ambrose
Philips, Erasmus
Pleyden, Edm. M.
Plumer, Walter
Powlett, William
Pulteney, Will.
Rashleigh, Jonathan
Rolle, Henry
Rowney, Thomas
Rushout, sir John
Sambroke, sir Jeremy
St. Aubin, sir John
Sandys, Samuel
Saunderson, sir Tho.
Scawen, Thomas
Sebright, sir Tho.
Seymour, Francis
Shafto, John
Shippen, William
Shirley, hon. Robert
Shuttleworth, Richard
Slingsby, sir Henry
Somerset, lord C. N.
Spencer, hon. John
Stanhope, sir William, K. B.
Stanhope, Chas.
Stanley, sir Edw.
Stapleton, sir Will.
Talbot, John Ivory
Taylor, Joseph
Tremaine, Arthur
Vane, visc.
Vane, hon. Henry
Vaughan, W. Groynne
Vernon, sir Chas.
Vernon, G. Venables
Vyner, Robert
Walcot, John
Waller, Edmund
Waller, Harry
Ward, John
Winford, Tho. Geers
Wortley, Edw. Mont.
Wrighte, Geo.
Wyndham, sir Will.
Wyndham, Tho.
Wynn, Watkin Will.
Yorke, John

Against the Repeal.

Alston, sir Rowland
Andrews, Townshend
Anstruther, col Phil.
Arundel, hon. Rich.
Ashe, Edw.
Bacon, Waller
Bacon, sir Edmund, (of Gillingham)

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in continued opposition, without the smallest hopes of ever being restored to his seat in the House of Lords. In his letters to sir William Wyndham, he feelingly describes his own situation, 'I am still,' he says, 'the same proscribed man, surrounded with difficulties, exposed to mortifications, and unable to take any share in the service, but that which I have taken hitherto, and which, I think, you would not persuade me to take in the present state of things. My part is over, and he who remains on the stage after his part is over, deserves to be hissed off.' In consequence of these sentiments, he waited until the meeting of the new parliament, when a large majority still supporting the minister, during whose continuance in power he had no chance of obtaining a complete restoration, he followed the advice of Pulteney, and retired in disgust to France." Coxe's Walpole.

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Baker, capt. Hercules
Beauclerk, lord Vere
Bennet, Thomas
Berkeley, hon. Henry
Bevan, Arthur
Bladen, col. Martin
Bladen, Thomas
Bond, John
Bockland, Maurice
Bowles, Will.
Bradshaigh, sir Roger
Bridgman, sir Orlan.
Bridges, George
Bristow, Robert
Brodie, Alex.
Brooksbank, Stamp
Brudenell, hon. James
Burchet, Josiah
Burrard, Paul
Burton, Will.
Butler, James
Byng, hon. Robert
Campbell, John
Campbell, Daniel
Campbell, sir Jas.
Campbell, col. John
Campbell, John
Campbell, Peter
Carr, Will.
Carnarvon, marq. of
Caswall, sir Geo.
Cholmondeley, col. J.
Churchill, brig. Chas.
Clayton, sir Will.
Clayton, Will.
Clerke, sir Thomas
Clifton, sir Robert
Clutterbuck, Thomas
Conduit, John
Cope, sir John
Cope, col. John
Copleston, Thomas
Cornwallis, hon. Step.
Cornwallis, hon. John
Croft, sir Archer
Crosse, John
Crowle, Geo.
Cunningham, Henry
Danvers, Joseph
Darcy, sir Conyers
Decminique, Paul
Doddington, George
Doddington, George
Douglas, Robt.
Downing, sir Geo.
Drake, sir Francis
Drummond, John
Dutton, sir John
Ducket, col. Will.
Erle, Giles
Erle, capt. Will.
East, Will.
Edgcumb, Richard
Edwards, Samuel
Egmont, earl of
Eliot, Richard
Erskine, Charles
Evans, Rich.
Evelyn, John
Eversfield, Chas.
Eyles, sir John
Eyles, Joseph
Eyles, capt. Francis
Farrington, Thomas
Ferguson, sir James
Finch, hon. Henry
Fitzroy, Chas.
Forbes, Duncan
Fox, Stephen
Frankland, sir Tho.
Gage, sir Will.
Gallway, visc.
Gibson, Tho.
Glanvill, Will.
Glenorchy, visc.
Goddard, John
Gough, sir Henry
Gould, Nath.
Gould, John
Grant, sir James
Gregory, Geo.
Griffith, John
Grimston, visc.
Hales, sir Tho.
Hales, Tho.
Hamilton, Alex.
Hamilton, lord Arch.
Harris, John
Harrison, George
Hay, Will.
Heathcote, sir John
Hedges, John
Henley, Henry Holt
Herbert, Henry Arth.
Herbert, Tho.
Herbert, Robert
Hervey, Tho.
Hinxman, Joseph
Hoghton, sir Henry
Hope, Tho.
Hoste, James
Hotham, sir Chas.
Howard, col. Chas.
Howarth, sir Humph.
Hucks, William
Hucks, Robert
Huxley, George
Jennings, sir John
Jessop, William
Jewkes, John
Ingoldesby, Tho.
Ingram, Henry
Kelsal, Henry
Knollys, Henry
Lane, sir Rich.
Leathes, Carteret
Leheup, Isaac
Lewis, Tho.
Lewis, Tho.
Liddell, Geo.
Lisburne, visc.
Lloyd, Salusbury
Lloyd, Philip
Lockyer, Chas.
Longueville, Chas.
Lowther, sir Will.
Lowther, hon. Anth.
Lumley, hon. James
Maister, Henry
Manners, visc.
Martin, Tho.
Medlycott, Thomas
Middleton, sir Will.
Middleton, col. John
Mill, sir Rich.
Milner, sir Will.
Monson, Geo.
More, Robert
Moreton, hon. M. D.
Monro, sir Robert
Mordaunt, John
Morden, col.
Montagu, col.
Nasmith, Sir James
Norton, Tho.
Offley, Crew
Onslow, col. Rich.
Orlebar, John
Oughton, sir Adolp.
Owen, Will.
Parker, sir Philip
Parsons, Henry
Pawlet, lord Harry
Pearse, Thomas
Pierse, Henry
Pelham, hon. Henry
Pelham, Tho.
Pelham, James
Pelham, Tho.
Pelham, Tho. jun.
Piers, col. Will.
Powlett, C. Armand
Powlett, Norton
Price, Uvedale
Pulteney, col. Henry
Purvis, capt. George
Plumer, Rich.
Plumtre, John
Pigot, Robert
Ramsden, John
Reade, sir Thomas
Reade, col. Geo.
Rich, sir Robert
Rider, Dudley
Roberts, Gabriel
Robinson, sir Tho.
Rudge, John
Rutherford, James
Saville, sir George
St. John, hon. John
St. Quintin, M. Chitty
Saunders, sir George
Scrope, John
Selwyn, Chas.
Selwyn, John
Shannon, visc.
Sinclair, col. James
Sloper, Will.
Smelt, Leonard
Speke, George
Stanhope, Chas.
Stert, Arthur
Stewart, Will.
Sutton, gen. Rich.
Thompson, Edward
Thompson, Will.
Tilson, Christopher
Towers, Christopher
Townshend, hon. Hor.
Townshend, hon. Tho.
Townshend, hon. Will.
Treby, George
Trenchard, George
Tucker, Edward
Tuffnel, Samuel
Turner, Cholmley
Turner, sir Charles
Tyrrel, col. James
Vincent, Henry
Wade, gen. George
Wager, sir Chas.
Walker, Tho.
Walpole, sir Robt.
Walpole, Horatio
Walpole, Edward
Walter, Peter*
Wardour, Will.
Wentworth, sir Will.
White, John
Whitworth, Francis
Willes, John
Williams, sir Nicholas
Williams, Hughs
Wills, sir Chas.
Winnington, Tho.
Wilson, Daniel
Wollaston, Will.
Wyndham, Tho.
Wynn, Tho.
Yonge, sir Will.

* This was the Peter Walter so frequently alluded to by Pope. His name was Walter, though sometimes called Waters:

"Like doctors thus, when much dispute has past,
We find our tenets just the same at last.
Both fairly owning, riches, in effect,
No grace of heav'n, or token of th' elect;
Giv'n to the fool, the mad, the vain, the evil,
To Ward, to Waters, Chartres, and the Devil.
* * * * * * * *
"Wise

Debate in the Lords relating to the Election of Peers in Scotland.] March 6. The order of the day being read, for the House to take into consideration matters relating to the Election of the Peers of that part of Great-Britain called Scotland; the earl of Marchmont moved to resolve, "That no person who hath claimed, or shall claim right by succession to any Peerage of Scotland, other than a descendent of the body of a Peer or Peeress, who has been in the possession of the Peerage claimed, since the 25th of April, 1690, shall be admitted to vote, at any Election of a peer or peers to sit in parliament, for that part of Great Britain called Scotland, until his right and title be claimed and determined in this House."*

"Wise Peter sees the world's respect for gold,
And therefore hopes this nation may be sold:
Glorious ambition! Peter, swell thy store,
And be what Rome's great Didius was before.
* * * * * * *
"F. Yes, strike that Wild, I'll justify the blow.
P. Strike? why the man was hanged ten years ago:
Who now that obsolete example fears?
Ev'n Peter trembles only for his ears.
F. What always Peter? Peter thinks you mad,
You make men desp'rate if they once are bad:
Else might he take to virtue some years hence.—

"Peter Walter, a person not only eminent in the wisdom of his profession, as a dextrous attorney, but allowed to be a good, if not a safe, conveyancer; extremely respected by the nobility of this land, though free from all manner of luxury and ostentation: His wealth was never seen, and his bounty never heard of, except to his own son, for whom he procured an employment of considerable profit, of which he gave him as much as was necessary. Therefore the taxing this gentleman with any ambition, is certainly a great wrong to him."

"Peter Walter purchased Stalbridge park, near Sherborne, a seat of the Boyle family, now in possession of the earl of Uxbridge, where he lived many years. He was a neighbour of Henry Fielding, who lived at East Stour, about four miles distant, and was supposed to be the character described by him in Joseph Andrews, the important "Peter Pounce." In 1737, Peter narrowly escaped the pillory for forgery: and got off with a severe rebuke only, from the Bench.

"The manor of Stalbridge was purchased by Peter Walter, esq. who was clerk of the peace for the county of Middlesex, steward to the duke of Newcastle, and other noblemen and gentlemen. He acquired an immense fortune, represented the borough of Bridport in parliament, and died 1715, æt. 83." History of Dorset.

"He resided, during the latter period of his life, in a spacious mansion within this manor, where some particulars of him are still remembered. He had been assisted in making a favourite purchase by a dependant, who consequently expected a compensation: Mr. W. refused making any at his own expence, but promised to reward him at the expence of some other person. He accordingly prevailed on a neighbouring baronet to lease to him a part of his demesne lands on terms so unusually advantageous, that they could not escape observation; the taxes and parochial imposts being charged on the occupier of the adjoining farm. The estate is still possessed by a daughter of the lessee, with all the advantages attached to it. A characteristic scene was described by a son of his bailiff, who, when a boy, attended his father in an evening on business at the manor-house. They found its possessor sitting without light in a small room communicating with the kitchen. On their approach he applied a dry raspberry stick to his fire, and lighted a small candle which stood on the table before him; but finding, on enquiry, that the present business required no light, he extinguished the candle, and continued the conversation in the dark. Notwithstanding his rigid parsimony, he exacted the respect usually paid to opulence; for observing that the youth had continued with his hat on, supposing no extraordinary deference due to the great man's appearance, he rated him violently for his rusticity and inattention.

"The story of the "Miser and the Candle," is not uncommon: but I have this account from undoubted authority. The other anecdote shews the propriety of Pope's epithet, "Wise Peter." Pope's Works, Bowles's Edition, vol. 3, p. 290.

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* "It was upon all hands admitted, that the right of succession to Scots Peerages was very undetermined by the laws of that country, and, by a most unaccountable oversight in the act of Union, there existed no proper judicatory for trying the validity of any claim to a Scots Peerage, excepting the Court of Session in Scotland, which many of the English peers thought was an incroachment upon their rights. It was likewise admitted, that at an election of the peers of Scotland, the clerk or clerks officiating there, had a right to admit any claimant of a Scots Peerage to a vote. It was therefore moved to resolve, 'That no peer who hath claimed, or shall claim right by succession to any Peerage of Scotland, other than a descendant of the body of a peer or peeress, who has been in the possession of the peerage claimed, since the 25th of April, 1690, shall be admitted to vote at any election of a peer or peers, to sit in parliament, for that part of Great Britain called Scotland, until his right and title be claimed and determined in this House.' It had been greatly to be wished,

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The lord Hardwick, the duke of Newcastle, the earl of Ilay, lord Hervey and lord Talbot, opposed the motion, urging, That it was dangerous taking such a Resolution, on account of dormant titles, who might have claims, and thereby be precluded from their just right.

They were replied to by the marquis of Tweedale, the duke of Montrose, the earls of Chesterfield, Winchelsea, and Strafford, and the lords Carteret and Bathurst, who argued the necessity of such a Resolution, on account of several peers continuing on the roll of Peerage, whose families are extinct, or have no right; by which means the sixteen Peers might be chosen by a majority, who have no right at all.

But the earl of Scarborough and the duke of Argyle were for putting off the motion, which was agreed to; and it was ordered, That the House be put into a Committee on that affair on the Monday next.

The Marquis of Tweedale moves, That the Election of the Scots Peers be by Ballot.] Then the marquis of Tweedale moved to resolve, "That for the better securing the Freedom of the Election of a peer or peers to sit in the parliament of Great-Britain on the part of Scotland, the Election shall be by way of ballot." His lordship was supported by the lords Bathurst and Carteret, who urged the reasonableness thereof, to preserve undue influence.

They were opposed by the dukes of Argyle and Newcastle, and lord Talbot, who alleged, "That the method of ballot would be a breach of the act of union, by which it was declared, That it should be an open election."

Protest on the said Motion's passing in the negative.] Then the question being put thereupon, it was resolved in the negative.

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"Dissentient'

1. "Because this motion tending only to make a variation in the manner of electing the peers for Scotland, we apprehend it was entirely agreeable to the intention of the 22d article of the Union; for whatever can contribute to make the Election more free and independent, the more it answers the design of that article: and we must observe, that this House has been so far from thinking the manner of election unalterable, that a bill passed this House,* by which the election itself was entirely abolished.

2. "Because in an election of this nature, the method of voting by ballot appears to us infinitely preferable on many accounts, for as it is well known there are several alliances among that body of nobility, many of the peers may be put under great difficulties, their alliances drawing them one way, and their opinion and inclination another way. It is also possible, that by pensions from the crown, or by civil or military preferments, some of them may lye under obligations to a court, and be reduced to the hard necessity (under the power of an arbitrary minister) either of losing their employments, or of voting against their nearest relations, and their own opinion also. We apprehend that no election can be called perfectly free, where any number of the electors are under any influence whatsoever, by which they may be biassed in the freedom of their choice.

3. "Because we apprehend, that this House is, in a most essential manner, concerned in the freedom of this election; for if sixteen new members are to be brought in every new parliament, under any undue influence, it may tend to subvert the independence of this House, and of consequence the constitution of the whole kingdom. By means of such an election, an ambitious minister may make use of the power of the crown, at one time, to destroy the interest of the crown; at another to oppress the liberty of his fellow subjects, and by different turns, protect himself from the just resentment of both.

4. "As this House is the highest court of judicature, and the last resort in all matters relating to the properties of the subjects of Great-Britain and Ireland, we conceive that every person who is master of any property, is concerned in the consequence of this motion; for if sixteen of these members, in whose hands this great trust is vested, should ever be thought to be in

that this motion could have been complied with; but the tendency of it being directly repugnant to the Articles of the Union, and the privileges of Scotch peers, and likewise to the laws and succession to the peerages in Scotland, the same was dropt." Tindal.

* See Vol. 7, p. 609.

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the nomination of a minister, the subjects of these kingdoms may have great reason to dread the consequence of such an unwarrantable influence, by which their liberties, lives and properties might be rendered precarious.——*(Signed,)* Boyle, Bedford, Carteret, Weymouth, Cobham, Chesterfield, Montrose, Coventry, Strafford, Cardigan, Bolton, Haversham, Marchmont, Bathurst, Marlborough, Winchelsea and Nottingham, Bruce, Oxford and Mortimer, Willoughby de Broke, Clinton, Aylesford, Montjoy, Tweedale, Northampton, Warrington, Stair, Denbigh, Gower, Bristol, Foley, Tadcaster, Litchfield, Ker, Berkshire."

Debate in the Lords on the Duke of Bedford's Motion, concerning Persons who shall endeavour to engage Votes in the Elections of Peers in Scotland.] March 18. The order of the day being read, for the taking into consideration matters relating to the election of the Peers of that part of Great Britain called Scotland:

The Duke of *Bedford* moved to resolve, "That it is the opinion of this House, that any person or persons taking upon him or them to engage any Peers of Scotland, by threats, promise of place or pension, or any reward or gratuity whatsoever from the crown, to vote for any peer, or list of peers to represent the Peerage of Scotland in parliament, is an high insult on the justice of the crown, an incroachment on the freedom of elections, and highly injurious to the honour of the peerage."

His grace was supported by the earl of Stair, the lords Willoughby de Broke, Bathurst, and Carteret; and the earls of Chesterfield and Winchelsea, to the following effect.

My Lords; It is well known, that by the constitution of this kingdom, all elections, of whatever nature, ought to be made with the utmost freedom: We have many laws, both ancient and modern, for establishing the freedom of elections, and for preventing any undue influence that may be made, either by money, by threats, or by promises, upon the electors: the very nature of the thing requires it should be so; for every man who is allowed a vote at any election, is by law presumed capable of determining within himself, who is the most proper person for that post, office or employment, to which he is to elect; and if he be directed in his voting, either by money, by threats, or by promises, it is he who directs that is properly the elector, and not he who is made the tool upon that occasion; by which means that election, which by law ought to be made by a great number of persons, may come to be directed, and consequently made, by one single man.

Therefore, my Lords, it has always been deemed to be a maxim of the common law of England, 'that elections shall be regularly and freely made, without any interruption whatever;' and this maxim has been confirmed and inforced by most of the great Kings that ever reigned in this kingdom. Under our glorious King Edward the 1st was that statute made, which is called the first of Westminster; and by the 5th chap. of that statute it is expressly ordained, 'That no great man, 'or any other person, shall by force, by 'malice, or by threats, any way disturb 'the freedom of election under the pain 'of grievous forfeiture;' which is a law that is still in force, and a law that relates to all elections made or to be made within this kingdom; and so careful were our ancestors of preserving this freedom of election, that even requests and earnest solicitations were in such cases deemed unlawful, as may appear from that statute which was made in the 7th of Henry the IVth, and from the 14th chapter of the statute called Articuli Cleri, which was made in the reign of Edward the 2d: for it was most reasonably by them concluded, that if any great or powerful man was allowed but to request or solicit a man for his vote at any election, that request or solicitation would have the same effect as if he had actually threatened that man, or made promises to him for giving his vote as directed; because every man would naturally presume, that if he complied with the great man's request, he might expect his favour; and if he denied his request, he must expect his malice.

From hence it is plain, my Lords, that by the very nature of the thing, as well as by the common and the statute law of this kingdom, it is highly criminal in any great man to request or solicit votes at any election, but it must be still more highly criminal in any man actually to give or to promise any money or other reward upon such an occasion, especially in any thing that relates to a right of sitting in this House; and what appears to be the undoubted law of England is so far from being derogated from by the union be-

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tween the two nations, that it is in the particular case now before us, expressly confirmed by that act which was made in the parliament of Scotland, for settling the manner of electing the sixteen peers; and which act is, by the parliaments of both nations, declared to be as valid as if the same had been part of the articles of union.

Since, then, it appears that the Resolution now proposed is nothing but a declaration of what is now the law of Great Britain, I can see no reason for our not complying with the motion which the noble duke has been pleased to make to us; but on the contrary, I see many and strong reasons for our agreeing to it; for it will certainly inforce the laws now in being; it will put people in mind that there are such laws, and will contribute greatly towards terrifying those who may hereafter have evil intentions, from being guilty of those practices which they know to have been so lately condemned by this House: and such a resolution is at present the more necessary, because of the great complaints now so generally made over the whole nation against such practices: bribery and corruption in elections of all kinds is now so universally complained of, that it is become highly necessary for this House to come to some vigorous resolutions against it, in order to convince the world, that it has not as yet got within these walls: it has already, I am afraid, got too firm a footing in some other parts of our constitution; what is now proposed will not, I am afraid, be a sufficient barrier, but I am very sure, if something is not very speedily done, if some effectual measures are not soon taken against that deadly foe to our constitution, I say, I am sure, that in a short time corruption will become so general, that no man will be afraid to corrupt, no man will be ashamed of being corrupted.

Though it cannot be affirmed, my Lords, that any undue influence has as yet been made use of in the election of the sixteen peers for Scotland; though it cannot be suspected that any such influence will ever be allowed of, much less approved of by his present Majesty, yet no man can tell how soon such a thing may be attempted; and the circumstances of many of the peers of that nation give us great reason to be jealous of such attempts: it must be allowed, that there are many of them who have the misfortune of having but small estates; it is well known that many of them have commissions in the army, or places in the government depending upon the pleasure of the crown; and it must be granted that some of them cannot well support the dignity of their titles, and the ancient grandeur of their families, without such commission in the army, or post in the government: if then any future ambitious prince should think of securing by illegal means a majority in this House, in order to destroy the liberties of his people; or if any wicked minister who had got the leading of a weak prince should think of getting a corrupt majority in this House, in order to secure him against an impeachment from the other, are not we naturally to conclude, that the first attempts of such a king, or such a minister, would be to secure the sixteen peers from Scotland.

In such a case a Court-List, or rather a Ministerial-List, would certainly be sent down, and every peer of Scotland that did not vote plump for that List, would be under-hand threatened with being turned out of his commission in the army or navy, or out of his employment under the government; and others would be induced to vote for it by secret promises of preferment, or of being provided for. The noble families of Scotland are, my Lords, as ancient, and have always behaved with as much honour, as the nobility of any nation under the sun; but in such a case, how hard might be the fate of some of the representatives of the noble families of that kingdom: they must ungratefully vote against those who perhaps procured them the commissions or the posts they enjoy, they must vote for those whom they know to be men of no worth and honour, men whom they know to be mere tools of power; or otherwise they must expect to be stript of all their preferments under the government, and thereby rendered incapable of supporting themselves in their native country as noblemen, perhaps even as gentlemen. This is a misfortune which certainly may happen: this, my Lords, is a misfortune which, in regard to our country, in regard to the honour and dignity of this House, in regard to our own families we ought to provide against; and we cannot provide against it too soon.

I say, my Lords, that it is a misfortune, which in regard even to our own families, we ought to provide against; for it is well known that there is but seldom any difference between the royal and the ministerial power: there never can be any difference

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between the two, but when there is a just, a wise and an active prince upon the throne; for when there is an ambitious and an unjust prince upon the throne, his ministers will readily submit, he will make every thing submit to his power, if he can; and when a weak or an indolent prince happens to be upon the throne, the whole royal power will always be lodged with the ministers, generally in one prime minister; and as such ministers always endeavour to act in an arbitrary way, they never will employ any but those who will meanly submit to be their tools; all others they will endeavour to oppress or destroy: it is certain that men of great families and fortunes, who have any sense or penetration, will never so easily submit to the arbitrary views of an ambitious prince, nor will they so easily submit to be the tools of an overbearing minister, as fools or mean upstarts; and therefore no such prince or prime minister will ever employ any of them, if they can do without: while the ancient dignity and the weight of this House is preserved, the ancient and the great families of the kingdom will always be able to confine the views of an ambitious prince, and to force him to delegate a just proportion of his power to them; and they will always be in a condition to force themselves in upon a prime minister, not as his tools but as his partners in power: but if it should once come to be in the power of a prince or minister to secure by dishonourable means a majority in this House, the greatest part of our posterity will for ever be excluded from all share in the government of their country; none but mean tools of power, and knavish upstarts will be employed in the administration; and perhaps even our next successors may see a wicked and overbearing prime minister of state at the head of a parcel of fools and knaves, carrying things in this House by a majority, contrary to the opinion of the generality of mankind without doors, and contrary to the opinion of every honest man of sense within.

To me, my Lords, it is as clear as demonstration, that an utter exclusion of all the nobility in Great Britain, who had either honour or good sense, from any share in the administration, would be the certain consequence of the court's getting it in their power to secure by corruption a majority in this House: but I am much afraid the misfortune would not stop here; I am afraid that such a court would soon begin to think of getting rid of every family in the nation which could be any way troublesome to them; and of such a resolution, my Lords, supported by such a majority, how fatal might the consequences be to every one of your lordships families, which happened unfortunately at that time to have a representative beloved in his country, and esteemed for his great honour and his good sense: of such consequences I have the most terrible apprehensions: I hope no such case will ever happen; but I must desire your lordships to consider how great an influence a number of 16 sure votes might have upon all the resolutions of this House: look into your journals, look into the histories of this nation, and you will see how many questions, questions in which the very being of our constitution was deeply concerned, have been carried against the then enemies of our constitution by a majority of a much smaller number, perhaps, by a majority of not above two or three. Can we then be too jealous of the method of electing the sixteen peers for Scotland? Can we refuse or neglect to use all those means that lie in our power for preventing their being ever chosen by ministerial influence? Can we suppose that all those who are chosen under such an influence, will not vote in this House under that influence by which they were chosen?

Custom, my lords, is of a mighty prevalent nature; even virtue itself owes its respect in a greater measure to custom; and vice, by being openly and avowedly practised, soon comes to disguise itself, and assume the habit of virtue: if ministerial influence, if private and selfish views, should once come to be the sole directors in voting at the election of the sixteen Peers for Scotland, the practice would soon get even into this House itself; and as inferiors are always apt to imitate their superiors, it would from thence descend to every election and to every assembly in Great Britain: corruption would then come to be openly and generally avowed; it would assume the habit of virtue; the sacrificing of our country, the sacrificing of all the ties of honour, friendship and blood, to any personal advantage or preferment, would be called prudence and *good sense*, and every contrary behaviour would be called madness and folly: then indeed, if there were a man of virtue left in the nation, he might have reason to cry out with the celebrated Roman Patriot, 'O Virtue! I have followed thee as a real good, but now I find thou art nothing but an empty

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name.*' It was, my lords, the general corruption he found in his country that led that great man into such an expression; he died in the defence of liberty and virtue; and with him expired the last remains of the liberty and virtue of his country; for virtue and liberty always go hand in hand; wherever one is, there likewise is the other, and from every country they take their flight together.

I have said, my Lords, that it cannot be affirmed, that any undue influence has as yet been made use of in the election of the peers of Scotland but yet it must be granted, that towards the latter end of the late queen's reign, there seems to be a strong suspicion, that some extraordinary influence was then made use of; for the sixteen that were first chosen after the Union, were all such as were known to have a true zeal and affection for the revolution, and for the present establishment: soon after there was a change in the ministry here, and upon that a new parliament; it cannot be said, that there was any change among the electors of the sixteen Peers for Scotland, they necessarily continued to be the same; and yet there was such a thorough change among the sixteen representatives then chosen that hardly one of the former was sent up; the whole sixteen were such as were agreeable to the new ministry, and such as went into all the new measures then set on foot. Even some noble Lords now in this House, whose consummate prudence and great qualifications were then well known, were left out in that queen's time, though the Peers of Scotland have been ever since so just to themselves as always to chuse them for their representatives: how this should happen, without some undue influence being then made use of, I cannot well comprehend; and if what is prophesied should happen; if upon the next election it should be found, that some noble lords are left out, whose families as well as themselves have been eminent and remarkable for their zeal for the present happy establishment, as well as for the revolution upon which it is founded: if such, I say, should be left out, for no other reason that can possibly be guessed at, but that they happen not to be altogether agreeable to the ministers for the time being, I shall think it still more unaccountable; because that in the latter end of the late queen's time, there seemed to be a contest between those that were friends and those that were enemies to the Protestant Succession, and in such a contest there is some ground to presume, that the Peers of Scotland would naturally divide into two parties; that the most numerous party would chuse that sixteen who were supposed to be of the party they espoused: but now, my lords, where there is no principle either in religion or politics to direct them, it is not to be supposed that they will naturally divide into two opposite parties; or that the majority of them will readily resolve not to vote for any one of those who now happen to be disagreeable to the minister, notwithstanding their having, for a continued course of so many years, thought some of them worthy of the honour of being their representatives in this House.

If this, my Lords, should really happen; if some of those Lords now in this House, whose zeal and affection for his Majesty's person and government are well known, whose qualifications and natural endowments are universally acknowledged, and who have performed many eminent services to their country: if such, I say, should be left out, and others who may not be known in the whole world, chosen or at least pretended to be chosen in their room, I shall be apt to suspect, I believe the whole nation will conclude, that some of the Scots Peers have not been directed in their choice by that which ought to be their only director upon such occasions; and if such a thing should happen, it will be incumbent upon this House to enquire how it was brought about; for we ought not to admit any unworthy person's being brought among us, nor ought we to allow of any person's being brought unworthily or unjustly into this House; this we have a right to enquire into, as may appear by what happened so lately as in the reign of the late queen; and our own records, our own histories may shew us, that the bringing, or endeavouring to bring, unworthy persons into this House, was inquired into, and had like to have proved fatal to king Henry 3.

In such cases, my Lords, we are not tied down to the strict rules of law, we are not to expect every criminal fact to be proved by two or three witnesses; this is what neither House of Parliament ever thought themselves tied down to; it is from circumstances as well as proofs that we are to determine, and if such circum-

* Te colui, Virtus, ut rem; ast tu Nomen inane es!

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stances should concur as must convince every man of common sense in the kingdom, I am sure I need not tell your lordships what you are to do; but as the preventing of crimes is much more prudent and less troublesome than the punishing of them, let us therefore now endeavour to prevent the committing of any such crimes, by agreeing to the resolution proposed.

The other House of Parliament has passed many laws for preventing the influence of Bribery and Corruption in the election of many of their members. They have lately got passed a severe law against that abominable practice; and another Bill for preventing any undue influence upon their members after they are chosen, has since been several times brought in, and as often passed in that House, but your lordships have not, it seems, thought fit to give it your concurrence: whilst there are such complaints against the growth of corruption, while the other House are using such percautions against it, shall we sit still and do nothing? There are but a few of the members of this House, there are none but the sixteen for Scotland, who owe their seats here to an election: let us then, my lords, take all possible care that they shall always be chosen by an honourable, a fair and a free election: if they should ever come to depend upon a minister for their seats in this House, consider, my lords, what an influence it might have even upon their way of voting while they are here: how terrible must it be for any lord of this House to be exposed to the danger of being told by an insolent minister, you shall vote so or so, otherwise you shall be no longer a Lord of Parliament. This is what, I hope, your lordships will endeavour to prevent by agreeing to this resolution, or any other more effectual method that may hereafter be found to be necessary.

The dukes of Newcastle and Argyle, the earls of Cholmondeley and Poulet, the lords Hervey and Talbot, spoke against the motion to the effect as follows:

My Lords; That, both by the common and statute law of this kingdom, all elections ought to be free and undisturbed, is what will not be denied by any lord in this House; and that the giving of money, or the making use of any threats or promises, in order to induce any of the electors to vote according to direction, is a crime of a very high nature, and what will be as little controverted; but this is so far from being an argument for the resolution proposed, that, in my opinion, it is a very strong argument against it; for wherever the law is plain and clear, there is no occasion for a resolution of this House either to inforce it, or put people in mind of it: upon the contrary, our coming to such a resolution might probably make people doubt of what they before thought evident, because our resolution would not make that to be law, which was not so before, and some people would naturally conclude, that the law in that respect was not clear and evident, otherwise this House would have had no occasion for coming to any such resolution. In the present case indeed the law is so clear and evident, that no man of common sense can doubt of it, and therefore our coming to such a resolution will not probably bring the law in doubt with any man in the kingdom; but I cannot help thinking that it would be a very odd and a very extraordinary resolution; I must really think that we may with as much propriety resolve, 'That the levying of War against 'the king is an Act of High-Treason;' and how such a resolution would appear upon the Journals of this House, I leave your lordships to judge.

As I have said, my Lords, it must be acknowledged by all, that the giving of money, or the making use of threats or promises, in order to corrupt or over-awe the electors at any election, is contrary to law; but yet I cannot admit that the making use of any sort of solicitations is contrary to law, I cannot think but that any lord of Scotland may ask another's vote at any ensuing election of the sixteen peers for that kingdom, and that in favour of his friends as well as of himself; and if any lord of that country should have the honour to be secretary of state, or in any other high office under the crown, I cannot comprehend how he can be thereby excluded from being a candidate at that election; a candidate he certainly may be, and as such he may ask every other lord of that country for his vote at the ensuing election; nay, he may not only ask that favour for himself, but he may ask it for others; his being in an office under the crown does not strip him of that privilege which every other lord enjoys; nor does any law now in being make his solicitation more criminal than those of the other lords of his country.

The laws now in being for preserving the freedom of elections are, my lords, in

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my opinion, fully sufficient for that purpose; and whoever thinks so, must conclude, that there is not the least occasion for the resolution now proposed: but granting they were not sufficient, would our coming to such a resolution render them so? It cannot be so much as pretended that a resolution of this House would add to their sufficiency, or that it would contribute in the least towards making a law effectual for the end proposed, if it was before found to be ineffectual. Thus, my lords, there is either no occasion for our coming to such a resolution, or it would be of no use when made; and therefore I cannot think it consistent with the dignity of this House to have any such resolution entered upon our journal. If the laws in this respect are insufficient, let a bill be brought in for amending and strengthening them; but do not let us take up our time with making resolutions, which all the world must see to be of no use.

This, my Lords, is a very strong argument against our coming to the Resolution proposed; but there is still a much stronger; for it would, in my opinion, be a very high indignity offered to his present Majesty's government; it would tend to make the whole world suppose, that some very heinous practices had been lately carrying on by his Majesty's ministers for influencing the elections of the sixteen peers for Scotland; and to suppose his Majesty is or can be so unjust as to countenance such practices, or that he can be so weak as not to discover them, if any such were carrying on by his ministers, is one of the highest indignities that can be offered to the crown. It is indeed a supposition which no man can make who is in the least acquainted with his Majesty's justice, penetration and watchfulness for the good of his people; but our coming now to such a resolution, would be doing at least all in our power to raise such a suspicion in the nation; and among the vulgar and ignorant or in the remote parts of his Majesty's dominions, it might have a fatal effect.

Besides, my Lords, it would be a most heinous affront offered to the whole peerage of Scotland; it would be a supposing that the majority of them are directed in their way of voting at the election of their sixteen representatives, by corrupt and mercenary views. This would be a conclusion that every man without doors would naturally draw, when he heard that your lordships had come to such a Resolution; no man would imagine that such a thing could have happened without any proof, without any foundation. The peers of North Britain, my Lords, are by the Articles of Union declared to be peers of Great Britain; they are to have rank and precedence before all peers of Great Britain of the like order and degree, created since the Union; they are to enjoy all privileges as fully as the peers of England, except sitting in this House, and upon trials of peers; and why they should be thus distinguished by a particular Resolution of this House I cannot comprehend. They have, it is true, no share in the legislature, except in that of voting for their own representatives in this House; but is there any colour of reason for suspecting them of corrupt and mercenary views in their way of voting for their own representatives, more than there is for suspecting every lord here of such views in his way of voting, as to every question that arises in the House.

As for any suspicions that may be entertained about the election of the sixteen peers for Scotland, in the latter end of the Queen's reign, they may be easily cleared up. The election at that time did not proceed from mercenary or corrupt views, but from views of a more malignant tendency, if any such can be. It is well known that many of the then peers of Scotland were either secret or avowed Jacobites. Upon that fatal change of the ministry here, they all conceived great hopes; thereupon many declared themselves openly who had never done so before; and some of the nonjurors came in and qualified themselves, in order to serve a turn at that time, which they took to be in favour of that principle they had always caressed: and all these, joining with the Scots peers, who were then actually employed in the administration, carried the election against those who stood firm to the principles of the Revolution, and to the Protestant Succession, as established in his present Majesty's family. But, thank God, their reign was but short; and his late Majesty's accession put an end to all their views of doing any thing in a parliamentary way; by this the new election was easily carried in favour of the friends to the present establishment; and soon after most of the professed Jacobites in Scotland joined in an open rebellion, by which they forfeited their titles as well as their estates to the crown; whereby the neck of that party was entirely broke, so

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that they have never been able to make any effort at an election since that time.

Now, my Lords, as to those prophecies which have been made to us about the ensuing election of peers for Scotland, I am afraid they are as ill founded as any other of our modern prophecies; and I shall be glad to find them as false; for I have so great a respect for the sixteen we have now the happiness to have amongst us, that I could wish they were all in for life; but as their being here depends upon a free election, their being all returned again is what neither they nor we can expect; and indeed if it should happen, it would give me a strong reason to suspect that the election had not been free: it is natural to suppose that every election will bring some new lords among us; and for them some of the former must be left out: because a noble lord is firmly attached to the present establishment, because his family has always been zealous for Revolution principles, is that a reason, my Lords, for us, or for him to expect that he should always be returned one of the sixteen to represent the peers of Scotland in this House: no, my Lords, there are many noble peers in Scotland; and all are I hope firmly attached to the royal family now upon the throne, though some may not perhaps have had an opportunity of shewing it so fully to the world as others may. In such a case it is reasonable to expect that every one will endeavour to have his turn; and where there is a free election, it is reasonable to expect that those lords who have not a mind to set up for themselves will sometimes oblige one, and sometimes another.

But even as to the ministerial parties that have been talked of, it is as reasonable to suppose that the peers of Scotland will naturally divide into two parties for and against the ministry, as to suppose that they can naturally divide themselves into two parties for and against the establishment. For while the administration, while the ministers for the time being, pursue no measures but what are for the honour of their King, and the good of their country, it is as reasonable to suppose that all those who think so will naturally join in the supporting of their measures, as it is to suppose that they would naturally join in the support of the present establishment, were it possible to bring it into dispute; and were I a peer of Scotland, and convinced of the wisdom and uprightness of all the measures pursued by the ministers for the time being, I should be as loth to give my vote for returning a lord to this House, who, I knew, or even suspected would oppose the ministry in all their measures, as I would be to give my vote for returning to this House a lord whom I knew to be really disaffected to his Majesty and his family. And as there never was yet in any country a set of ministers, whose measures were approved by all men, therefore I shall always expect, that upon every election in Scotland, the peers will naturally, and without any selfish or corrupt views, divide themselves into two parties, one whereof will be composed of those who do not approve of the measures pursued by the administration, and the other of those who do approve them; the natural consequence of which will be, the proposing or concerting of two lists; and in such case it is very natural to conclude, that one of the lists will always be returned without an exception. For this reason, my Lords, as well as on account of the natural uncertainty and changeableness of a free election, I shall be no way surprised, if some of the noble lords now in this House, be not rechosen at the next election. The capacity and the qualifications of the noble lords, we have now the happiness to have from that country, are well known, and no man has a better opinion of them than I have: yet I make no doubt, but that there are other Lords in Scotland of equal capacity, and equally qualified for representing the peerage of that kingdom in this House, and if they should send up some new representatives in the room of some of those who are now here, I shall be very far from imputing it to any undue influence; on the contrary, I shall from thence conclude, that the election has been absolutely free and uncontrouled.

As to the contriving and making laws against corruption, the other House of Parliament, my Lords, has very good reason for so doing: it has been often proved, at the bar of that House, that bribery and corruption has been practised in the most flagrant manner at the election of some of those who have been returned members of that House; and therefore they have often had a most substantial reason for taking the alarm, and for providing against that mortal foe to the constitution of their country, who, they perceived, had already attacked it in the most tender part: but for God's sake, my Lords, what reason have we for this alarm? Has it ever been proved at the bar of this House, has it ever yet been

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so much as pretended by any lords in this House, that the sixteen peers for Scotland, or any of them, were elected by the means of bribery and corruption, or by the means of any other sort of undue influence? Is not this a material difference between this House and the other? Is it not from thence clear, that we have no manner of reason for contriving any law against corruption? And much less have we a reason for coming to any such Resolution as is now proposed.

To this it was replied by those who spoke in favour of the Motion, in substance as follows:

My Lords; I find, it is admitted of all sides, that the giving or promising of money or other reward, or the making use of any sort of threatenings or promises, in order to influence the election of the peers for Scotland, is directly contrary to law, and therefore it is needless to say any thing further as to that point; but as to solicitations or asking of votes, I must beg leave to explain it a little. I shall agree with those lords who have spoke upon the other side of the question, that every lord of that country may be a candidate, and as such may apply to the other lords for the favour of their votes at the ensuing election, and as the law now stands (though I wish it were otherwise) every lord may ask the same favour for those of his friends who may likewise be candidates; but with regard to ministers of state, and those in high offices under the crown, there is a great difference as to the manner of application which they make use of, in order to obtain the favour for which they solicit; if they ask merely as peers, either for themselves or their friends, without the ministerial weight of threats or promises, they do not, I think, offend against the laws now in being; but if any thing of the minister appears in their manner of asking, it may be of the most fatal consequences to the freedom of the election.

In order to explain what I mean, I shall take an example from the elections of the other House: though a gentleman be a commissioner of the treasury, or of the admiralty, he may without doubt set up as a candidate to represent any County, City, or Borough in Great-Britain; he may ask the electors for the favour of their votes, and wherever he has a natural interest, he may make use of that interest in favour of his friends; but if he should make interest either for himself or his friends, not as a private gentleman, but as a lord of the treasury, or of the admiralty, and as such should, by his agents, send his commands to those who depend, or may expect to depend upon the board to which he belongs, with directions how to vote, or for whom to make interest, in any county, city or borough in Great Britain, such a method of application would be highly criminal; it ought, I think, to be deemed High Treason. In like manner, my lords, if upon an approaching election in Scotland, any lord of that kingdom, who happened to be in a high office under the crown, should by himself or his agents so much as insinuate, that the king, the government, the ministry, or the like, expected that any lord of that kingdom would vote for such a man, or such a list, such a solicitation, I say, my lords, might be fatal to the freedom of that election, and would consequently be highly criminal: and this distinction ought to be particularly attended to, when we talk of solicitations in any election whatsoever.

As our laws now stand, my lords, we ought to be particularly watchful in this respect; and considering the vast power lodged in the crown, considering the many favours the ministers of the crown have to bestow, I am afraid our utmost watchfulness would signify nothing if any such attempts should ever be made by those in power. It is impossible to prevent the ministers of the crown, or their agents, intermeddling some way or another, almost in every election in Great Britain: Let them make their application in the most humble manner, let them make use of the most modest expressions that can be thought of, those they apply to will depend upon their favour, if they comply with their request, and if they refuse to comply, they may, they will expect their malice: the request of a man in power, though made in the most humble manner, must always necessarily imply a threat if denied, a promise if complied with: this must consequently have a great influence upon all elections, and if obedience to such requests should once be found to be the only road to preferment either in Church or State, they will soon become fatal to the boasted liberties of this nation.

It was for this reason, my Lords, that I lately in this committee gave my vote for having all future elections of the sixteen peers for Scotland made by balloting. It was for this reason, my lords, that I most

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heartily concurred in agreeing to that bill, which in the late king's reign was passed by this House, for making so many hereditary peers for Scotland, and for limiting the power of the crown with respect to the creating of any new peers of Great-Britain. That necessary bill was thrown out in the other House; it was thrown out (I do not know how) by the assistance even of some of those who have always pretended to be patrons of liberty. My opinion was then, my opinion is so still, that it was the best contrived bill for the preservation of the liberties of this country, that was ever brought into either House of Parliament: and I must say, that if I had had the misfortune to be one of those who opposed that bill, I should from that moment have thrown up all pretences to my being a lover of liberty; I should have expected that every man would have told me, that I made use of that popular pretence only as a step to power, but that he saw plainly I had no regard for it, when it came in competition with any of my own little private views.

Suppose, my Lords, that the laws now in being are fully sufficient for preserving our constitution against the baneful effects of corruption; suppose that they want no addition or amendment; yet is it not an usual thing, may it not sometimes be a necessary thing to revive such laws? does not his Majesty often do it by proclamation? and the only way that either House of Parliament can revive any law, is by a resolution. Suppose again that the laws in being are not sufficient to preserve us against all manner of undue influence in elections; we all know that a new law for amending and strengthening the old is not so easily contrived, nor so easily passed; it requires some time to consider the laws in being, to discover their defects, to find out the methods of evading them, and to contrive proper precautions against such evasions; all this requires time, and when this is done, we are not sure that the other House will join with us in opinion, we are not sure that the King will consent to what both Houses have agreed to. In the mean time, is it not very proper, may it not be absolutely necessary to endeavour to put some check to the growing evil? there have, it is true, been many laws lately passed for regulating the elections in the other House, and for preventing corruption as to them; but has there ever any one been passed in the parliament of Great Britain, for regulating the elections of the sixteen peers for Scotland? Does not that election now depend only upon the common law, and upon that act of the last Scots parliament, by which the manner of electing those peers was regulated? suppose that act to be sufficient for guarding against corruption, yet it is now so long ago, that it may be, and, in my opinion, it is very proper to revive it: But, my lords, it is plain that the election of those sixteen peers is not fully regulated, nor the evils of corruption sufficiently guarded against, either by the common law or by that act of the Scots parliament: the very committee we are now in shews the contrary: your lordships would never have agreed to the going into this Committee, if you had thought that no regulation or amendment was necessary: we are all sensible of the deficiency, but we have not yet, it seems, fallen upon a proper method to make up that deficiency; and till that can be done, let us do what is now in our power; let us agree to the resolution proposed. It will at least justify this House to the world: if ever there was any undue influence made use of at that election, if there shall be any such at the next election, it will shew that the majority of this House were innocent; it will shew that we endeavoured to provide against it as soon as we could.

What is now proposed is so far from being an indignity offered to his Majesty, that the very pretending that it is so, or that his Majesty would take it as such, is one of the greatest indignities that can be offered to him. Can it be thought that this House is so short sighted as never to provide against an evil till it has fallen upon us? The very pretending to think so of this House, or of either House of Parliament, is in my opinion, a very high indignity to both: can it be thought that his Majesty would look upon any provision made by either House of Parliament for the safety of our constitution, as an indignity offered to him? No, my lords, every wise king, such as his Majesty is, must be heartily engaged in the preservation of our constitution, because that if any wrong be done, he is justified by the very nature of our constitution, his ministers and evil counsellors only are to bear the blame. This indeed may make ministers and certainly will make wicked ministers endeavour to overturn our constitution; but a just and a wise king will always join with his parliament in preventing the bad effects of evil counsellors, as

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well as in bringing them to condign punishment.

Was it, my Lords, ever pretended that the late king looked upon the Peerage-bill I have now mentioned as an indignity offered to him? Might it not have then been said, that the passing of such a bill would have made the world suppose, that his late Majesty had made some unjust use of the Prerogative of the Crown in the creation of peers? Might not this, I say, have been pretended with as much justice as to pretend now, that our coming to the resolution proposed will make the world believe, that his present Majesty has countenanced, or at least suffered some wicked practices to be made use of in the election of the sixteen peers for Scotland? Every one of your lordships must see that there was then as much ground for the one pretence, as there is now for the other: yet so far was his late Majesty from harbouring any thought that an indignity was thereby offered to him, that he approved of the Bill before it was brought into this House. He not only approved of that Bill, my lords, but he made use of an expression which ought never to be forgot; an expression which ought to be, which always will be remembered by every true Briton: he told his Ministers, 'Gentlemen, consider what may be wanting for the security of your constitution; for whatever may be thought necessary for that purpose I am ready to consent to.' And as his present Majesty inherits the crown of his father, so I know he inherits all those good qualities which shone forth with so much lustre in him. Therefore, my Lords, we are not in the least to suspect that his present Majesty will look upon this resolution, or any resolution we can come to for preventing sixteen ministerial peers being always forced in upon us from Scotland, as an indignity offered to him.

As the proposition now before us cannot be thought to be an indignity offered to his Majesty's government, so neither can it be thought any sort of affront to the peerage of Scotland: on the contrary, every man of honour, as all the peers of that nation are, must take it as a piece of the utmost regard that can be shewed to them: it is not easily to be presumed, that any of the present peers of Scotland can be biassed by bribery, by threats, or by promises; but neither we, nor they, can tell what sort of men their posterity may be: nor can any man certainly conclude, that every one of such a great number of men, will have virtue enough to withstand the great temptations, which an enterprising minister, sole master of the ear of his master, may be able to throw in their way; and therefore all that is, or can be designed by the present motion, is to prevent them, or their posterity, from being led into temptation; and to put it out of the power of any minister to make any of the present or future peers of Scotland suffer for their adhering strictly to the rules of honour and virtue: the pretence for this affront is built upon the same sandy foundation with the former; it is built upon the supposition, that this House can never think of providing against an evil, until it has actually happened: but to me, my lords, it is still something more extraordinary to ask in this case: why should the peers of Scotland be thus particularly distinguished from the other peers of Great Britain? Is it possible to make a question of this? Does not every man at first sight see, that the peers of Scotland are, by the very nature of our constitution, distinguished from the other peers of Great Britain? Is there any other peer of Great Britain who has any thing to do with elections? I must then leave it to your lordships to consider, how odd it would have looked, to have proposed such a Resolution in general terms: It must then have run thus, 'That the giving or promising any sum of money, or other reward to any peer of Great Britain, for giving his vote at any election, was a high insult.' And if it had been proposed in such terms, would not every man who knows any thing of our constitution, have had reason to have laughed at such a proposition?

Without doors, my Lords, there are suspicions that some of the former elections of Scots peers have proceeded from undue influence: we of this House are, and have been personally acquainted with most of the peers of Scotland, we know their honour and their integrity, and therefore we conclude, that there is no ground for such suspicions? but those who have not had the honour of a personal acquaintance with them, must judge from events; and notwithstanding what a noble lord was pleased to say about the election of the sixteen peers for Scotland, in the latter end of the reign of queen Anne, it must appear a little odd to those who are not particularly acquainted with the history of that time; a great majority of the Scots peers had but a few years before agreed to the union, by which the Protestant Succes-

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sion was established in that kingdom: and to see that a great majority of the same men (for there could not be any great change by death in that time) should so soon after join together in undermining that Protestant Succession, must, I say, my lords, appear a little extraordinary to the generality of mankind: they will not believe, that two such contrary events could proceed from the same cause, and therefore they will be apt to conclude, that there was some foul play in one, or perhaps in both.

To pretend, my Lords, that a whole body of men will naturally interest themselves so passionately and so zealously in the dispute about the wisdom and uprightness of the measures of any minister or ministers, as to sacrifice thereto all ties of blood, all ties of gratitude, friendship, and acquaintance, is really something very new. It is well known, that such a fervent zeal never takes place, but in the time of, or in the prelude to a civil war; and God forbid it should ever be in the power of any minister to involve this nation in such a calamity, for the sake of justifying his measures: Even in the time of civil wars, it has often happened, that private and personal friendships have subsisted to the very last, between public enemies: How then can it be supposed, that any lord of Scotland should, at the next, or at any future election, naturally agree to leave out of his list of sixteen peers, some lords who are his near relations, his old friends, and his great benefactors, and fill up in their room others, who are no way related to him, with whom he never had any intimate acquaintance, from whom he never received any favour? That this, my lords, should be a natural effect, or that it should proceed from a furious zeal for or against the measures of the administration, is impossible to conceive; and therefore, if any of the noble lords we have now among us, whose zeal for the Protestant Succession cannot be doubted of or exceeded; who I know to be related to many of the noble families in Scotland; who I know to be intimately acquainted with many of the present peers of that kingdom; who I know to have done great favours to many of them, and whose capacity and services are known to the whole world; If such, I say, should at the ensuing election be left out, and others chosen in their stead, who are related to few of the peers of Scotland, who are acquainted with few of them, who have never been benefactors to any of them, and whose capacity shall be found not to be near equal to the capacity of those left out; I shall be very apt to conclude, I am afraid the generality of mankind will conclude, that this was not the effect of an honourable and free election.

I shall admit, my Lords, that Bribery and Corruption in the election of the members of the other House, has been often proved at their bar; I wish it had been as often proved as it has been practised; I shall admit that this was a reason, though not the only reason, for their taking the alarm: But, my lords, we find that they have lately taken the alarm, and have done what they could to prevent a practice which has never yet been proved at the bar of that House. So far as I can remember, it was never yet proved at the bar of that House, or so much as alledged in the House, that any particular member, after he was chosen and returned, had been influenced in his way of voting in that House by bribes, pensions, threatenings, or promises; and yet against this practice they have, I think, most justly taken the alarm, and have several times sent up a Bill to this House for preventing that practice: Therefore, if we follow the example of the other House, we are not always to wait till a pernicious practice has been proved at our bar. In private life a man may be long justly suspected before he can be openly accused of a crime; and as high crimes are carried on in the most secret manner, they are less liable to be discovered, and may therefore be carried on for many years, before such a proof can be had, as may enable either the public, or any private man to commence a prosecution. Shall a private man neglect to secure the doors and windows of his house, because no thieves had ever attempted to enter? If he does so, my lords, the thieves will probably enter; and after they are entered, he may perhaps find it a very difficult matter to get them out again, till they have robbed the house of every thing that is valuable. In like manner, are we to neglect to secure this House against corruption, because we cannot as yet positively say that it has ever endeavoured to enter? My Lords, if we do not in time secure all the avenues to this House agninst such a cunning betrayer, it will be impossible for us to keep him out. And if he once enter it will be absolutely impossible for us to turn him out, until he has robbed us of that precious jewel, the liberty of

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our country, which has always been, and always must be left in the keeping of the two Houses of Parliament; for I am very well assured, that it will for ever be impossible to prove at the bar of this House the practice of corruption, to the conviction of those who have got their seats here by the means of corruption.

Upon hearing this new sort of doctrine broached in this House, I cannot, my Lords, but reflect with deep concern, upon an observation made upon our country, by a French gentleman, who was taken with the marshal Tallard at the battle of Hochstet, and was afterwards several years a prisoner in England. When he returned to France, he was giving an account of his observations upon England, and, among the rest, he told his company, that the English had a thing among them which they called a nuisance; that is, gentlemen, says he, any thing that is offensive to the neighbours, or that may probably do a mischief to the passengers: For removing of things of this nature, the English have very good laws, but so indolent, so negligent are those people, that they seldom or ever think of removing a nuisance till it has done some notable mischief. An example of this kind happened in the neighbourhood where I was quartered; there was in a by-road a timber bridge upon a very deep river in that neighbourhood, and soon after I arrived there, a large hole happened to be broke through in the middle of that bridge, I passed that way, I observed the hole, I took notice of it to all the gentlemen in the country; I repassed several times that way, still the hole was there, and daily grew bigger; it continued so for many months: The laws were sufficient for removing this nuisance, for enforcing the reparation of this bridge, but no man would be at the pains to put them in execution; at last an unfortunate gentleman, of some distinction, passing that way in a dark night, his horse stumbled into this hole, fell through, was drowned, and the gentleman himself much hurt. Then the justices of the peace met, and immediate orders were given for repairing the bridge: I do not know but the gentleman found means to recover the value of his horse, but no man could make reparation to him for the pain he endured. This, my Lords, was the French gentleman's observation upon our country; and really what I have this day heard from some noble Lords, who oppose this motion, makes me begin to think it was just. But let us consider, my Lords, that if we make no provision in the case now before us, if we leave this hole unmended, till that which is the support of our constitution, a free election, has fallen through, it will be impossible to prevent our constitution's falling through at the same time, and both must certainly perish in the gulph of corruption.

For this reason, my Lords, I hope, I must beg, that a negative may not be put upon the resolution now proposed; if a negative should be put upon it, if it should be even but delayed, I shall most heartily wish the motion had never been made; for it will be a foundation for so much triumph to the dealers in corruption, if any there be; it will cast such a damp upon all future attempts against corruption, that I am afraid the practice will soon come to be barefaced in every part of our constitution.

Then the question being put, 'That the question be now put upon the above motion,' it was resolved in the negative.

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Protest on the said Question's being passed in the Negative.]

" Dissentient'

1. " Because we apprehend that this resolution, being only declaratory of undeniable truths, ought not to have been avoided by a previous question, since, we fear, the leaving it undetermined may tend to encourage practices dangerous to our constitution in general, and to the honour and dignity of this House in particular.

2. " Because we think this House cannot shew too strong an abhorrence of practices, which, whether they have been committed or not in former elections, are yet of such a nature as may possibly hereafter be attempted by a minister, who may find it necessary to try all methods to secure a majority in this House, either to promote his future ambitious views, or screen his past criminal conduct.—— *(Signed)* Suffolk, Marchmont, Shaftsbury, Gower, Carteret, Bedford, Ker, Bristol, Bolton, Chesterfield, Willoughby de Broke, Tadcaster, Cardigan, Foley, Litchfield, Tweedale, Abingdon, Strafford, Bathurst, Coventry, Berkshire, Tha-

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net, Stair, Aylesford, Cobham, Bruce, Oxford and Mortimer, Craven, Northampton, Griffin, Marlborough, Winchelsea and Nottingham, Boyle, Montrose."

Motion to impower the Committee to inquire of proper Methods to encourage the Trade of the Plantations, and for their better Security.] March 26. The House of Lords was moved, "That the Select Committee appointed the 7th instant to consider of the representation of the Commissioners for Trade and Plantations relating to the laws made, manufactures set up, and Trade carried on in any of his Majesty's Colonies and Plantations in America, which may have affected the trade, navigation, and manufactures of this kingdom, be impowered to inquire of the proper methods for the encouragement and security of all trade and manufactures in the said plantations, which no way interfere with the trade of Great Britain, and for the better security of the plantations themselves."

And a question being stated thereupon, it was proposed after the word 'Encouragement' to leave out 'and security;' which being objected to, and debate had thereupon, the question was put, whether the words 'and Security' shall stand part of the question; it was resolved in the negative, by 52 against 28.

Protest on a Negative being put on the said Motion.] Then it was proposed, That these words at the latter end of the motion, viz. 'and for the better security of the Plantations themselves,' be left out; but the same being objected to, the question was put, whether these words shall stand part of the question? and it was resolved in the negative.

"Dissentient'

"Because we apprehend, that if the safety of the plantations themselves is not thought a matter worthy the consideration of the parliament, it is of little consequence to consider of their laws, manufactures, or trade.—*(Signed)* Bedford, Bathurst, Berkshire, Tweedale, Abingdon, Coventry, Strafford, Tadcaster, Litchfield, Thanet, Carteret, Winchelsea and Nottingham, Bolton, Aylesford, Gower, Stair, Northampton, Montrose, Bristol, Marchmont, Cardigan, Craven."

Then the question was put, "Whether the said Committee shall be impowered to inquire of the proper methods for the encouragement of all trade and manufacfures of the plantations in America, which no way interferes with the trade of Great Britain, or which may be of use to Great Britain?" and it was resolved in the negative.

"Dissentient'

1. "Because we apprehend, that the new powers proposed to be given to the Committee, were not only expedient, but asolutely necessary, since (by the account given by several lords who attended the Committee, and contradicted by none) it appeared to the House, that from the informations of merchants of undoubted credit, Jamaica, Barbadoes, and the Leeward Islands, were in so defenceless a condition, that they might be taken in twenty four hours; and we conceive that such imminent danger of such valuable possessions required an immediate and minute examination, in order to discover the causes and nature of the danger, and to apply proper and adequate remedies.

2. "Because we conceive, that the chief reason urged in the debate against this inquiry, is the strongest argument imaginable for it, viz. That it might discover the weakness of these islands in the present critical juncture of affairs, and invite our enemies to invade them: whereas, we think, that this critical juncture calls upon us to put our possessions in a state of defence and security in all events; and since we cannot suppose, that their present defenceless condition is unknown to those powers who are the most likely to take the advantage of it, we apprehend it to be both prudent and necessary, that those powers should at the same time know, that the care and attention of this House was employed in providing for their security. We conceive likewise, that such an argument may tend to debar a House of Parliament from looking into any of our affairs, either foreign or domestic, if in any transaction at any time there shall appear to have been a weak, treacherous, or negligent management, the directors will never fail to lay hold of that argument, to stop any parliamentary inquiry; and the fear of discovering a national weakness may be urged only to prevent the detection of ministerial negligence or guilt.

3. "Because we have found by experience, that we can never be too attentive to the preservation of the possessions and dependencies of this kingdom, since treaties

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alone will not bind those powers, who from the proximity of their situation, from favourable opportunities, or other inducements, may be tempted to attack or invade them. But the interposition of a British parliament will be more respected, and more effectual, than the occasional expedients of fluctuating and variable negociations, which, in former times, have been often more adapted to the present necessities of the minister, than to the real honour, and lasting security of the nation.

4. "Because we apprehend, the debarring this House from any inquiry into the conduct of ministers for the time past, or from giving their advice in matters of great concern to the public, for the time to come, tends to destroy the very being of this House, and, of consequence, the whole frame of our constitution: and how melancholy a view must it be to all his Majesty's subjects, to see the private property of so many particulars, and so advantageous a trade to the whole, refused to be brought under the inspection of this House, and yet, as far as appears to us, totally neglected by the administration? And we are the more surprised to find this backwardness, with regard to the interest of our colonies, since we are persuaded, that the balance of trade at present is against us in most parts of the world, and only compensated in some degree by what we gain by our West-India trade: neither can we allow, that they ought to be left to look after themselves, since they have a right to claim even more than the protection of their mother-country, by the great wealth they annually transmit to it, and the great duties they pay to the increase of the public funds, and the civil list; and we are fully convinced, that if this beneficial trade should once be lost, it will be irrecoverably lost to the infinite damage of this kingdom. For though the islands should be restored to us afterwards, the utensils and stock of negroes being carried away, it would take up a long tract of time, and would be a very great expence to the public, to re-instate them in their present condition: we rather think it impracticable to restore them, though we can by no means suppose it difficult, by timely precaution, to prevent their destruction.——*Signed,)* Chesterfield, Tadcaster, Coventry, Thanet, Carteret, Winchelsea and Nottingham, Stair, Bedford, Northampton, Strafford, Bolton, Montrose, Abingdon, Berkshire, Bathurst, Litchfield, Tweedale, Gower, Marchmont, Bristol, Cardigan, Foley, Craven."

Debate in the Lords on the Bill to prevent Stock Jobbing.] March 28. The Lords went into a committee upon a bill from the Commons, 'To prevent the infamous Practice of stock-jobbing'; and the said bill being read a second time, the earls of Warwick and Cholmondeley, and lord Hervey, spoke against the bill: their lordships urged,

That the grandeur and strength of a nation depended upon public credit, which was a thing of a very ticklish nature, and did not always depend upon reason, but upon the opinions of men; and therefore it was very dangerous to make any innovations with respect to our public funds; for though one man might have a good opinion of the innovation proposed, yet he could not tell what opinion others might have of it.

That all human regulations, all human affairs, were subject to imperfections and inconveniences, and therefore legislators had in all countries been forced to suffer small inconveniences for the sake of greater conveniences, which was really the case then before them; for though stock-jobbing was an inconvenience, yet considering how much it contributed to the ready circulation of money, and to the supporting the credit of our funds, it was therefore to be tolerated.

That the credit of our funds depended very much upon the ready access that people had at all times to their money, and that this ready access was chiefly owing to the practice of stock-jobbing; by this practice it was, that every man was always sure of finding a purchaser for his stock whenever he had a mind to sell, and by this only it was, that there was always a certain and fixed market-price upon every one of our public funds; whereas, should this practice be entirely destroyed, it might soon become as difficult to find a purchaser for stock, or to ascertain the price of it, as it is now with respect to land; and the concluding of a bargain might become as tedious in the one case as it is now in the other.

That at present our people got by commission and brokerage from foreigners at least 80,000*l.* per annum, which would be intirely lost to the nation, if that bill should pass into a law; because all transactions of that nature, even in our own public funds, would then be carried on upon

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the exchange of Amsterdam; and it was well known, that when any branch of trade is diverted and turned out of its old channel, it is no easy matter to bring it back again; and therefore, though the bill was to continue but for three years, they could not agree to it, because if the trade of buying and selling any of our public funds should be turned out of this kingdom for three years only, it might not be in our power to bring it back again.

That if the creditors of the public were not allowed as free and uncontrouled a liberty of disposing of their properties in the public funds, as of any other part of their property, it would not only prevent peoples becoming purchasers of any of our present funds, but it would prevent people's lending their money to the government upon any future emergency, which might be attended with the most fatal consequences.

That in all other branches of trade, there was a free liberty allowed to every person that had a mind to insure his stock in trade: that the selling of stock for time, and the giving of money for the put of stock (as it was called in Exchange Alley) was nothing else but a way of insuring the principal money which a man had in the public funds; and the preventing a man from taking that method of securing his property in the funds, would be a very great hardship upon all the creditors of the public.

That it was doing an injustice to the persons concerned in the public funds; because it was a subjecting them to conditions and restraints which they were not subjected to, nor could possibly dream of, when they lent their money to the public; which was really in effect taking so much of their property from them: for it was certain, that every sort of property was of the less value, the more conditions and restrictions it was subjected to: nor could any argument in favour of the Bill be drawn from that law which had been made against laying wagers about public affairs; because those that might be concerned in such wagers had never purchased from the public a privilege to lay any such; whereas the creditors of the public had in some manner purchased a privilege of taking any method they thought proper for making the most of the property they had in the public funds.

The earl of Strafford, Hay, and Winchelsea, the lords Bathurst and Hardwick, spoke for it: Their lordships alledged,

That there was really no difference between stock-jobbing and gaming; or if there was any, it consisted in this, that the former was much more fatal in its consequences, and much more destructive than the other; for if any man frequented hazard-tables, horse-racing, cock-fighting, or any other sort of public gaming, it became soon known in the world, and thereby every man was advertised to draw his effects out of such a man's hand, and not to give him any trust or credit, so that if such men came to be ruined, they generally could lose nothing but their own estates, and none suffered by their folly or ill conduct but themselves and their families; whereas in the transactions in Exchange-alley, they might be, and generally were carried on in the dark; it was not known who were principally concerned, by which means a man might game for thousands, without its being so much as suspected that he had ever ventured a farthing in that way; whereby it generally happened that not only the gamester himself was ruined, but many innocent men, concerned with him in an honest and fair way of trade, found themselves undone, when they had good reason to think themselves absolutely secure.

That Stock-jobbing was worse than gaming in this other respect, that gaming of any other kind might be carried on upon a fair and equal footing, but it was impossible that Stock-jobbing ever could; for there must always be some persons behind the curtain, who must necessarily know a great deal more of the game than it was possible for the other adventurers to know, by which means they always had an opportunity of cheating their fellow gamesters out of what sums of money they had a mind: and it was but too well known that men had often made an unjust use of the knowledge they had in this way.

That by the means of this infamous practice of Stock-jobbing, it was always in the power of some of our foreign neighbours to lay a heavy tax upon this nation, and to draw a great deal of money out of it, whenever they thought proper; for as the prices of all our public funds must always depend, in some measure upon the circumstances of foreign affairs, and must vary according as those circumstances vary, it would always be in the power of the ministers of some of the foreign courts of Europe, by means of their correspondents here, to raise large sums of money,

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by giving out a little for the refusal, or for the put, of some of our public funds.

And in answer to the arguments made use of against the Bill, it was said, That public credit, it was true, depended upon the opinions of men, but then those opinions were always founded upon reason, when people were truly informed, and had time to think coolly about the matter, which could not well happen, as long as the game of Stock-jobbing was allowed, for thousands of lies would be daily invented to deceive the weak and ignorant; and men would always run headlong into the buying or selling, or dealing in puts and refusals, not according to the real intrinsic value of the thing to be bought or sold, but according to their opinion of the price's being about to fall or rise.

That the credit of our funds did not depend upon the gaming or Stock-jobbing in them, but rather suffered by it, as appeared evidently from this, that the South-Sea annuities, in which there was little or no gaming, had always bore a higher price than the stock, in proportion to the dividends made upon both; and it was certain, that every man who was not possessed with something of the spirit of gaming, would put a greater value upon that security, which he was sure of selling again for what it cost him, than upon a security by which he run the risk of losing or winning a great deal. And as to the certainty and invariableness of the price, the price of annuities had always been more certain and invariable than the price of any other public fund, which shewed that Stock-jobbing rather tended towards unsettling, than towards fixing the price of any of our public funds.

That the readiness of finding a purchaser for any thing, depended upon the people's being certain as to the value, as to the right, and as to the method of conveying the thing to be sold; and to this certainty with respect to our public funds, it was owing that the proprietors had then so ready an access to their money, and not at all to the practice of stock-jobbing; therefore as this certainty could not be in the least diminished by the Bill then before them, the proprietors of the public funds would, without doubt, have as ready access to their money after the passing of that Bill, as ever they had before.

That it could not well be supposed that ever our people had made in any one year 80,000*l.* by brokerage and commission from foreigners dealing in our funds; but whatever had been made in that way could not by the Bill be diminished; for it was certain that buying and selling in the gaming way could not be carried on by commission, there could be no commission or brokerage paid by foreigners to our people here but when a transfer was actually made, and when a transfer is to be made, some trustee or correspondent here must still be employed; so that nothing but the game of stock-jobbing could be carried to the exchange of Amsterdam; and if all our gamesters, as well as the game, were transported thither, it would be no great loss to the nation.

That it was to be hoped the public credit of this nation depended upon a much more stable foundation than that of stock-jobbing; and it was not to be presumed that the creditors of the public had purchased, or that they ever intended by their lending money to the government, to purchase a privilege of setting up a gaming table in the middle of the city of London; and to pretend that the prescribing a certain method by which the property of the public funds was transferred from one to another, was a restraint put upon the liberty of disposing of such funds, or that it would any way diminish the value of them, was the same thing as to pretend that the statute of the 29th of Charles 2, against fraudulent conveyances of land-estates, was a restraint put upon the liberty of disposing of such estates; or that the act for registering such conveyances within the county of Middlesex, had diminished the value of land within that county; whereas it was never yet imagined but that the proprietors of land estates had as full a liberty of disposing of such estates since the said act of the 29th of Charles 2 had passed, as ever they had before; and it was well known that the act for establishing a register within the county of Middlesex, had rather increased than diminished the value of land within that county.

That as bargains for time were still to be allowed, the public creditors might thereby insure their principal money in the public funds in the same manner as they had done before; but as for the practice of giving money for the put of stock, if it was to be called an insurance, it was a very odd sort of one; for by that method a man was to insure not only his own property in the public funds, but in some manner the whole public funds of England; which was just the same as if a man con-

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cerned only in one ship should give a premium for the insurance of such a sum of money upon the safe return of all the ships belonging to Great Britain.

Upon reading the last Clause, by which the Bill was made to continue for three years, the lord Delaware moved,

That it might be made to continue but for one year, and to the end of next session of Parliament.

Lord *Bathurst* was against this amendment; his lordship said, That such a short term might very probably encourage the stock-jobbing gamesters to enter into a combination for raising inconveniences and evil consequences, which they might perhaps be able to support and keep up for so short a time by some fraudulent and artful management, in order to make people sick of the Bill, and thereby prevent its being continued; whereas if it was made to continue for three years, things would in that time take their natural course; the gamesters could not hope to keep up by art and management any sort of inconveniences, but those which really proceeded from the nature of the Bill; and therefore in order to know the natural and real consequences of it, it was necessary to give it a continuance for at least three years.

The earl of Ilay spoke for this Amendment, and the earl of Strafford and the earl Poulet against it. At last the question being put, it was carried against the Amendment proposed, by 27 against 16; and the Bill afterwards passed into a law.*

Debate in the Lords on a Message from the King, to be impowered to augment his Forces by Sea and Land, during the Recess of Parliament.] March 28. The duke of Newcastle acquainted the House, That he had a Message from his Majesty to that House, signed by his Majesty, which he presented to the House, and the same, being read by the Lord Chancellor, was as follows:

"G. *R.*

"His Majesty very thankfully acknowledges the zeal and affection which this Parliament has shewn, in the great progress they have already made in the necessary supplies for the public service.

"But, the war which has broke out in Europe still unhappily continuing, his Majesty has nothing more at heart than to see that flame extinguished, and to avoid if possible, the engaging his subjects in the hazards and expence of a war; being at the same time desirous, neither to give any just alarm to other nations, nor to subject himself to any unprovoked insults.

"In this view, and to the end that his Majesty's endeavours, in conjunction with his allies, for procuring an accommodation, may, in due time, have the desired effect; and that his Majesty may be in a condition to make good such engagements as honour, justice, and prudence, may call upon him to fulfil or contract; and that his kingdoms may not be left exposed to any desperate attempts during such time as it may be impossible for his Majesty to have the immediate advice and assistance of his great council, upon any emergency arising from the present posture of affairs in Europe, which may nearly concern the interest and safety of these kingdoms; his Majesty hopes that he shall be supported by his Parliament, in making such further augmentation of his forces, either by sea or land, as may be absolutely necessary for the honour and defence of his kingdoms, and in concerting such measures as the exigency of affairs may require. Whatever augmentations shall be made, or services performed, an account thereof shall be laid before the next parliament."

This Message the Lords resolved to take into consideration the next day; accordingly, on the 29th,

The Duke of *Newcastle* stood up and spoke as follows:

My Lords; As his Majesty has been always careful not to put his people to any greater expence, than what was absolutely necessary for their own safety, so in the beginning of this session of Parliament, he asked for no greater augmentation either of land or sea forces than what he thought was necessary for the defence of this nation; and after the most mature deli-

* "The friends of this Bill themselves were disappointed in its being suffered to pass. They had endeavoured to prepossess the public with a notion, that the greater part of the minister's power and income, and those of his friends, arose from Stock-jobbing; and that as he was in all the secrets of affairs, both at home and abroad, he made use of his knowledge to influence the funds in the manner he thought most for the advantage of himself and his creatures. This notion was not more injurious to his character, than it was false in itself; and he treated it with a becoming disdain, by suffering the Bill to pass, though some parts of it were contrary to his private judgment." Tindal.

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beration, his Majesty's demands upon that occasion were thought so just and reasonable, that they were agreed to by both Houses of Parliament.—There was then, my lords, a war broke out in Europe, which made it necessary for us to make some little addition to our naval force at home, and to the garrisons of our fortified places abroad; but as we did not stand obliged by any former engagement to take any share in that war, therefore the expence we have as yet put ourselves to upon that occasion is but very inconsiderable; and as his Majesty has not yet engaged himself upon either side of the question, as there has not since any alteration happened with respect to the circumstances of Great Britain in particular, so his Majesty does not think it necessary for us to put ourselves immediately to any greater expence than what was then judged to be necessary; but as the fate of war is very uncertain, and as the liberties of Europe very much depend upon the event of the present war, therefore it is impossible to foresee but that his Majesty may be obliged to take some share in the war, in order to preserve the balance of power, on which depend the liberties of Europe, and consequently the liberties of this kingdom.—If then, my Lords, upon any future and sudden emergency, his Majesty should find himself under a necessity of immediately joining either one side or the other, we may most certainly expect, that those he joins against will endeavour to insult or invade this nation, especially if they know that we are no way prepared for our own defence: Nay, I do not know but that our continuing neutral may disoblige both sides; and if either can expect to engage this nation in their favour, by producing a change in our government, they will probably for that purpose attempt to invade us, if they should be encouraged to make such an attempt by our present government's not being in a proper condition to resist them. There is not indeed any occasion at present to fear such attempts; there is not the least appearance that any of the powers now engaged in war will attempt to offer us any insult; but as the politics and resolutions of foreign courts are not to be depended on, as no person can pretend to foresee every thing that may happen, his Majesty is willing to have it in his power to provide in time against the worst; and I think we are in duty bound to enable him to do so; therefore I hope your lordships will agree to the motion I am to make, which is, That an humble address be presented to his Majesty, to express the dutiful and grateful sense which this House conceives of his royal care and attention for the honour and security of his kingdoms; to declare their unalterable fidelity to his Majesty, and their earnest desire, that his endeavours for an accommodation may be effectual; and that his Majesty may in all events be in a condition to make good such engagements as honour, justice and prudence may call upon him to fulfil or contract; and that his dominions may not be exposed to any desperate attempts, especially at a time when it may be impossible for the great council of the nation to be immediately convened; to give his Majesty the strongest assurances that this House will cheerfully support him in making such farther augmentation of his forces, either by sea or land, as shall be necessary for the honour and defence of his kingdom, and in concerting such measures as the exigency of affairs may require; and to return his Majesty the thanks of this House for his gracious declaration, that an account of any augmentations made, and services performed, shall be laid before the next Parliament: this House reposing an entire confidence in his Majesty's royal wisdom and paternal concern for the true interests of his people.

Lord *Carteret* spoke next;

My Lords; As no sort of information has been given to this House about the present state of our foreign affairs, or about the engagements we now lie under with respect to all or any of the powers engaged in war: as every thing tending to give us such information has been denied, it cannot be expected that I, or any other lord, who has not had the honour to be admitted into that secret, should speak so fully to the present question as we might otherwise have done. As for myself, I think I cannot speak properly to it, in any other way than as it relates to our own constitution, and in that light I cannot but be against it; for it must be admitted, that the demand now made upon us, is a demand of a very extraordinary nature; it is such a demand as ought never to be complied with, but when the nation is in the most imminent danger, and even in such a case, the reasons for apprehending such a danger ought to be communicated to this House in a regular manner, before we can either in honour or duty comply with it.

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It has always, my Lords, been admitted, that speeches from the throne are to be looked on as speeches from the ministers of state; Upon this footing it is that this House has always, with a great deal of freedom, taken such speeches into their consideration; and I must be of opinion that messages from his Majesty to this House are to be looked on in the same manner; for which reason I hope, the duty or the respect we owe to his Majesty, will not be mentioned in the present debate. No man can be more ready than I am to grant every thing to his Majesty, that shall appear to be necessary for the support of his crown and dignity; but whatever is to be granted for that purpose, ought to be granted in a regular manner, and according to those methods and forms which our ancestors have laid down for the preservation of our constitution; and even in that way, it is inconsistent with the honour and dignity of this House, to make any such grant upon a mere suggestion from the ministers that it is necessary. No, my lords, the reasons, the causes of that necessity ought to be laid before the House, and then every lord in this House may depend upon his own judgment; whereas he who agrees to such a grant without any such information, cannot be said to depend upon his own judgment, but upon that of the ministers for the time being.

I am, my Lords, sincerely of opinion, that the nation ought to be put in a much better state of defence: It is what ought to have been done before now; but why was not this proposed at the beginning of the session? Is there any thing has happened since that time which can alter any man's opinion in this respect, or can make him believe that it is now become more necessary than it was at that time? If any such proposition had then been made, both Houses of Parliament would have had time to have taken the state of the nation, with respect both to our foreign and domestic affairs, into their consideration, and might easily have provided in a regular and usual manner for putting the nation into a proper state of defence; but the neglecting to make any such proposition at that time, and the bringing it in now by way of surprise upon us, when it cannot be so much as pretended that we have any thing now to apprehend which we ought not then to have apprehended, really seems as if some gentlemen were afraid lest we should resolve to examine narrowly into the present state and condition of our affairs; and this, I think, ought to be a reason rather for our refusing than for our agreeing to any such irregular and precipitate resolution as is now proposed to us.

But, my Lords, suppose that it was not then necessary to put the nation into a better state of defence than what was at that time proposed; suppose that it is not even now necessary to make any new addition to our forces, either by sea or land, but that the same may become necessary in a little time; why may we not provide for such an accident, according to the regular course of proceeding in parliament? What necessity is there for putting so speedy an end to this session of parliament? Why may we not take time to bring in a bill for doing whatever shall appear to be necessary for providing against any such emergency? By such a method of proceeding both Houses will have time to call for and examine such things as may be necessary for giving them an insight into our circumstances both abroad and at home: And if from such an inquiry it shall appear absolutely necessary to give his Majesty the ample and unlimited power now demanded, is it to be supposed that any lord in this House, or any member of the other, will be more averse to the granting of such a power, when the necessity for doing so is made appear to him, than he was before that necessity was made apparent, or indeed any the least reason for it assigned?

I will grant, my Lords, that the fate of war is uncertain; I will likewise grant, that the event of the present war is of the utmost consequence to the liberties of Europe, and consequently to this nation; but his Majesty has told us, that he is not engaged as yet to take any share in the war: Suppose then that this parliament were dissolved, and a new one summoned; that new parliament may meet in two months time, and in that time it is impossible that any emergency can happen of such consequence as to oblige his Majesty immediately to join either of the parties now engaged in war. The balance of power in Europe may be overturned, but it cannot be so suddenly overturned as not to give his Majesty an opportunity of having the advice and assistance of a new parliament, before he declares himself of either side of the question: In which case that new parliament may, and certainly will provide both for the safety and honour of this nation, in that proper and regular

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method which ought to be observed by every parliament.

The safety and defence of the nation is always to be provided for; but as there is at present no necessity for doing it in any extraordinary manner, do not, my lords, let us do it in the unprecedented manner now proposed. Our agreeing to this proposition, would, in my opinion, my lords, be a most certain prelude to slavery: 'Twould be a giving up of all our liberties at once; 'twould be a putting an absolute power into the hands of the crown, to continue till next session of parliament, which would be a most dangerous precedent; for as such are generally improved, it may soon after be granted for a longer term, and so may at last be made perpetual. I call it, my lords, an absolute power, because we not only give a power of raising forces both by sea and land, without limitation, but we give an unlimited credit for borrowing money, and we promise to make good whatever shall be so borrowed. I hope your lordships will consider, That the liberties of this nation do not so much depend upon our charters or our statute books, as upon that of the people's keeping the purse in their own hands; and if once the people should be brought into the way of giving anticipated promises, they may at last be induced to give the purse entirely out of their hands, which would put an end to all our liberties at once.

It has always been reckoned, my Lords, one of the chief safeguards of our constitution, that the king cannot raise and keep up a standing army in time of peace, without the consent of parliament; but if the parliament should once come into the way of granting, from time to time, an unlimited power to raise and keep up what number of forces, by sea or land, the ministers for the time being may think proper, I would be glad to know of what use this limitation upon the crown can be of, with respect to our constitution? And if by means of such a power our constitution should ever be overturned, would not the parliament which had granted it be justly deemed the betrayers of those who had trusted their all to them? We have not, thank God, my lords, any thing to fear from any power that may be granted to his present Majesty; but if such a precedent should be made, and in any future reign a set of men should be at the head of the administration, who had disobliged the whole nation, who had reason to fear that such a new parliament would be chosen as would call them to an account; would not they, in pursuance of this precedent, endeavour to get such a power as this from the last session of the expiring parliament? They would then let the new elections go on, they would use all means and methods to corrupt and influence them; but if after all they should see such a new parliament chosen as would call them to an account, and punish them for their wickedness, what then can we suppose they would do? Would not they make use of the power so treacherously granted to them, and raise such an army as might enable them to govern without any parliament at all? So that I must look upon the proposition now before us, as laying a foundation for some future administration to trample upon the constitution by the power of an army, whenever they shall find they cannot trample upon it by the power of bribery and corruption.

Besides, my Lords, I do not think that what is now proposed is legal: I do not really think that any thing can be legally done in pursuance of it, if it should be agreed to; for it is certain that no forces can be raised or kept up in this nation in time of peace, but by consent of parliament; and the only proper way of obtaining that consent always was supposed to be by act of parliament. We have already, my lords, passed the mutiny bill; and if any new forces should be raised in pursuance of this resolution, I do not know if they could be comprehended under that law; for as a certain number is thereby limited, if any more should be raised, I doubt much if they could, without a new act of parliament, be subjected to the martial law.

I have said, my lords, that the proposition now before us, is a most unprecedented method of providing for the defence of the nation: It is so; it is a method which was never before practised. In all former times, when this nation has been threatened with any great and imminent danger, which made it necessary that some extraordinary steps should be taken, if it happened in time of parliament, the king always came or sent to parliament, and not only told us we were in danger, but how we were in danger, that from thence we might judge whether the danger was so imminent as to make some extraordinary steps necessary; and when it was judged so, proper measures have always thereupon been immediately con-

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certed for obviating that danger; but now it seems, my lords, we are to agree to a most extraordinary measure, without any reason assigned, without so much as a pretence that we are in any imminent danger; nay, we are even told that we are not in any imminent danger; we are told that we are not at present in danger of any insults or invasions from abroad, and I am sure we are not in danger of any insurrections at home, unless they should be occasioned by our agreeing to this proposition: therefore, my lords, as no reason has been assigned, as I see no reason for our coming into any extraordinary measure at present, I cannot but be against the motion.

The Duke of *Argyle* spoke next:

My Lords; I have considered the motion now before us with all possible attention, and I cannot see that there is any thing in it, or in the motion the noble duke has been pleased to make us, so very extraordinary or unprecedented as the noble lord has been pleased to represent. It is certain that such messages have been several times sent to parliament, and it is likewise certain that such returns have always been made to them as the noble duke has now been pleased to move for, upon occasion of the present message. It is true, that such messages have never been sent but upon extraordinary occasions, and the reasons for sending them have always been communicated to parliament; and is not this the very case at present? what more extraordinary occasion can be supposed? the noble lord who spoke last admits, that the liberties of Europe are deeply concerned in the fate of the present war, and may be swallowed up by the event; and can we imagine that the liberties of this nation are secure, when the liberties of Europe are in danger?

It must therefore be allowed, my Lords, that the occasion of this message is of the utmost consequence; and the reasons for our being necessarily obliged to come to some immediate resolution, are not only in themselves apparent, but are likewise fully expressed in his Majesty's message. The fortune of war we all know to be extremely precarious, and the changes that happen are often as sudden as they are unlooked for: some of these may lay his Majesty under an indispensable necessity of sending immediate assistance to the unfortunate side, in which case we may depend on it, that some desperate attempts will be made upon this nation by the other side now engaged in the war: our neighbours have now great armies in the field, and some of them have powerful fleets ready to put to sea: they are already prepared to execute any attempt, and when they are in such circumstances, we may depend on it, that the resolution, as soon as taken, will be carried into execution. We all know, that this parliament must be soon dissolved, and after it is dissolved, many weeks must intervene before a new parliament can assemble. In the mean time, his Majesty may be obliged to declare himself, and upon that, some attempts may be made, which may be of the most dangerous consequence to the safety of this nation, before his Majesty can have the advice and asssistance of a new parliament, which makes it absolutely necessary for us, before we now separate, to give his Majesty a power to provide against the worst.

I will agree with the noble lord who spoke last, that all messages from the king, as well as speeches from the throne, when they come to be considered in this House, are to be looked on as coming from the ministers; therefore we may, with all imaginable freedom consider them, and whatever may be said upon that occasion, is always to be presumed to relate only to the ministers, and not to the crown; for which reason, our duty and respect to his Majesty, is never upon such occasions to be brought any way into the question. But as to the message now before us, my lords, it is so far from being an extraordinary one, that I must look upon it rather as a piece of condescension in the crown; for it is certain, that upon any sudden emergency, his Majesty has a power, which always has been, and always must be vested in the crown, to provide for the security of his crown and kingdoms, by raising forces either for land or sea service, and borrowing or applying money for that purpose, even without waiting for the consent of parliament; and whatever the King may upon such occasions be obliged to do, will always be approved of, and provided for by parliament, as soon as they meet, in case nothing has been done, nor any expences incurred, but what shall appear to be necessary; this is the power his Majesty has by our constitution, and this is all he asks for by the present message: he asks only for a power to make such farther augmentation of his forces, either by sea or land, as may be absolutely necessary for the honour and defence of his kingdoms.

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This, in my opinion, my Lords, is as modest a demand, as ever was sent to parliament: it shews how cautious his Majesty is of putting his people to any extraordinary expence; considering the present posture of the affairs of Europe, I believe this House would have thought it but reasonable, if his Majesty, at the beginning of the session, had asked for a much greater augmentation of his forces both by sea and land, than he did at that time: nay, if his Majesty had now asked for an immediate augmentation instead of asking only for a power to make it, in case it shall hereafter appear to be absolutely necessary, I do not doubt, but your lordships would have complied with it; but his Majesty, desirous not to put his people to any expence, or at least to delay it as long as he can, and yet solicitous about the quiet and safety of his people, desires only the latter; and that power he applies for to Parliament, though he knows it to be vested in him without any such application. This is the light which the present message ought to be considered in, and therefore whether we should grant such a power as is now asked for, cannot, I think, be properly made a question.

Indeed, if the ministers should make a bad use of the power now proposed to be granted to his Majesty, if they should augment the forces, either by sea or land, without any necessity for so doing; if they should put the nation to any greater expence, than what shall appear to be absolutely necessary, there would then be some ground for a question; but in such a case, can the present Message, or the Address proposed in answer to the Message be of any weight on either side of that question? Can the ministers plead in their justification, that they had a power from parliament to do so? It is certain they cannot: They must answer for what they have done in the same manner, as if no such Address had ever been proposed. For my own part, my Lords, I am no minister, I never was, nor ever will be a minister, but on all such occasions as the present, I must think they have a most dangerous task. The danger of not providing in time for the safety and defence of the nation, and the danger of running the nation into expences which may thereafter be thought unnecessary, are two opposite rocks, which even the wisest ministers ought to be afraid of; They will find it difficult for them to steer the middle course, so as to avoid both the extremes: And we must conclude it to be the more difficult, when we consider, that to the bulk of mankind dangers seem huge in their approach, but diminish vastly in their retreat.

I am persuaded none of your lordships are afraid, I cannot indeed see the least reason why any man should at present entertain any fears about the liberties of his country, I am sure there is no ground for such fears. If any incroachments had been lately made by the crown, or by the ministers of the crown, upon the rights and liberties of the people, we would have reason, my lords, to be jealous of every proposition that came from that quarter; but there has been no such attempt lately made; and I believe there never was a time, when private men enjoyed their property with more ease and security; therefore I can see no reason for us to take the alarm; and the present Message is so far from affording any foundation for an alarm, that I must look upon it as one of the greatest pieces of condescension that was ever made by any king to his parliament. As for the clamours that may have been lately raised against the ministers of state, if ever there were any such, they ought to be despised, because they were without any just cause, and were very far from being general. There have been some clamours against all ministers, and against all future ministers we may expect there will be clamours raised: even in the reign of queen Elizabeth; in that reign which has been so often applauded by those who had a mind to reflect upon the present, there were clamours among some sorts of people during her whole reign: even that great minister Burleigh, who with so great wisdom and moderation, and for so many years, during her reign, managed the public affairs of this nation, could not escape: nay, there were not only clamours and discontents in that queen's reign, but there were many plots too, and even some rebellions raised against her; therefore we are not immediately to conclude, that ministers are guilty, because there have been some little clamours and calumnies raised against them.

It is true, my lords, we have already passed the Mutiny Bill, and in that Bill I must likewise grant that a certain number of land forces is mentioned; but in my opinion, the Mutiny Bill always did, and now does extend, not only to the number of forces therein mentioned, but to all the land forces that should be raised within

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that year: however, I am no lawyer, though I am in the neighbourhood of a very good one, to whom I shall leave the determination of this point, and I hope he will be so good as to rise up and give the House his opinion upon it.

The Earl of *Chesterfield* spoke as follows:

My Lords; notwithstanding what the noble duke who spoke last has been pleased to say in favour of the Message now under our consideration, it still appears to me to be the most extraordinary that was ever sentto this House. I believe no man will doubt of my affection to his Majesty, or of my readiness to agree to every thing I think absolutely necessary for the support of his crown and dignity; but as all such messages are presumed to be framed by the advice, and upon the suggestion of those in the administration, therefore I, and every other Lord of this House, not only have a right, but we are in duty bound to examine them narrowly; and from thence if it appears that what is demanded by such a Message is not at all necessary for the support of his Majesty, or the safety of the nation, though it may be necessary for the support of ministerial schemes, and perhaps for the safety of ministerial personages, we are both in duty and honour obliged not to comply with such a demand, especially if it appears to be inconsistent with the constitution, or contrary to the usual form of proceeding in parliament; which is plainly the case with respect to the demand now made upon us; for it must certainly be allowed to be contrary to the usual form of proceeding in Parliament; and as it vests an absolute power in the crown, for as long a time as the crown, or rather the ministers of the crown, may please to continue it, I cannot think it consistent with the constitution of our government: I must think it the most extraordinary demand that was ever made upon any Parliament in this kingdom; and it is the more extraordinary that it comes now at the end of the last session of a long Parliament: it really appears to me in the same light, as if an application should be made to a man on his death-bed, a man in his last moments, to bequeath all he has in the world to those who are utter strangers to him; nay, to those who have been generally reputed his greatest enemies.

I cannot agree with the noble duke that such messages have been frequent: It is certain they were never heard of till of late years; I doubt if such an unlimited power was ever before asked for; I am sure such a power was never asked for but when the nation was in imminent as well as great danger; for to tell us that the liberties of Europe may be swallowed up by the present war, and that therefore this nation is in great danger, is no excuse for our breaking through all the forms and methods of proceeding in parliament, by agreeing to the extraordinary step now proposed. I cannot think that the liberties of Europe are in so great danger of being swallowed up in the event of the present war as some people seem willing we should believe; but granting they were, it is but a consequential danger to this nation; and to excuse such an extraordinary step the danger ought not only to be great, but it ought to be imminent; I do not think that any thing ought to force us to make such a step, but when we are in immediate danger of a powerful invasion from abroad, or of a very terrible insurrection at home. With respect to all other dangers, we may deliberately provide against them, according to the usual methods of proceeding in parliament; and if precedents should be searched into, I believe it will appear, that no such message as the present was ever sent to parliament, but when we had good reason to apprehend one of the two immediate dangers I have mentioned.

Now, my Lords, in the present case it is not so much as pretended that we are in any imminent danger; on the contrary we are told, that no material alteration has happened since the beginning of the session; therefore if we are now in any imminent danger, we were in the same state at the beginning of the session; and if we were so at that time, why were we not then made acquainted with it? If we had then been made acquainted with it, we might, long before now, have taken the circumstances of the nation into our consideration, and might have sufficiently provided against the greatest danger that can be supposed in a regular parliamentary way. But suppose, my Lords, some considerable alterations have happened since the beginning of the session, which this House cannot, I think, pretend either to affirm or deny, because we have been kept in utter darkness with respect to the situation of our foreign affairs; suppose some new dangers are now to be apprehended, which could not be thought of or foreseen at the beginning of the session, what necessity is there for providing against them in a man-

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ner so inconsistent with our constitution? Are they so imminent that we have reason to apprehend their coming upon us in a few days? It is impossible to suppose any such; and if no such dangers can be supposed, what reason have we to break through all the forms of parliament? Is there any necessity for putting an immediate end to the present session of parliament? No, my Lords, by the Septennial Law this parliament may continue sitting till the month of September or October next; before that time the dangers we are now threatened with may blow over, or if they should approach nearer, we may provide against them in that manner, and according to those forms which the wisdom of our ancestors has contrived for the preservation of our liberties.

We are told our neighbours are at war, they have great armies in the field, and powerful fleets ready to put to sea. What is all this, my Lords, to us? Does not this add to the security of this nation, instead of subjecting us to any danger? If we are no way engaged in the war (and we are told we are not) if we have done nothing to give any just alarm, is it to be supposed that any one of the powers upon the continent, while it is engaged in a dangerous and heavy war with another power, will do any thing, or attempt any thing that may in the least tend to draw the immediate vengeance of this nation upon its head. Is it possible to imagine any nation upon earth so weak, or rather so mad in their politics? I have not, it is true, the honour to have been made acquainted with the several engagements we may be under at present to foreign powers; but if I can judge from such of them as have been made public; if I can draw any conclusion from the many treaties and alliances lately made, I must conclude that at present we are in good terms with all the powers in Europe at least; therefore, I must conclude, we cannot be in any danger from any of them; and I hope no danger we may have to fear from any other quarter of the world, can be of weight enough to prevail with this House to agree to such an extraordinary measure.

I shall grant, my Lords, that we might perhaps have offended the Imperial Court, by the treaty made at Hanover with the French; but surely we have made up that breach by our late Treaty of Vienna, by which we generously, and without the least valuable consideration, became guarantees of the Pragmatic Sanction. As to France, we have of late years heaped so many favours upon that nation, that I cannot think they have any reason, or indeed any inclination to do us an injury: did not we by the Treaty of Hanover, which was made for pulling down the overgrown power of the house of Austria, and the following Treaty of Seville, break that close union which had been contracted between the courts of Vienna and Madrid, so much to the prejudice of the court of France? And did we not thereby oblige Spain to throw herself entirely into the arms of France, by which we again united the two great branches of the house of Bourbon? And we imagine that France will disturb us, whilst she is making the best of that union which we were so good as to restore? And as to Spain, my Lords, we did perhaps disoblige them likewise by our Treaty of Hanover, and some other measures which were the effects of that Treaty; but have we not since procured them the rich duchies of Tuscany, Parma, and Placentia for their son Don Carlos? Did not we, at a great expence to this nation, send a powerful fleet into the Mediterranean, to conduct that prince with the greater pomp and ceremony to the dominions we had procured for him in Italy? It is true, he did not make use of that fleet, but was that any fault of ours, or can it be said we had any selfish view in what we did, since the whole was transacted without any stipulation in our own favour? By this we opened a way for the Spaniards into Italy: nay, I do not know but that by our management we have likewise thrown the king of Sardinia into the arms of France, and have thereby opened a way for the French likewise into Italy. Besides all these favours heaped upon our neighbours, have not we, by the most full and explicit treaties and stipulations, secured all our rights and possessions both at home and abroad; and in such circumstances, after so many glorious treaties, can it be imagined that we are in danger of being invaded or insulted by any of our neighbours.

This, my Lords, I take to be the case as to our past management; but it is said the present war may take such a turn as may lay his Majesty under a necessity of sending immediate assistance to the unfortunate side, in order to prevent the balance of power in Europe from being quite overturned. This is a supposition which really to me seems as extraordinary as the Message now under our consideration. I will

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readily allow that the fate of war is precarious, but I cannot easily admit that a whole campaign, even the most unfortunate that can be supposed, can make the emperor absolute master of France, Spain, and Sardinia, or can make France absolute master of the whole German Empire; for we know that France has stood out many unfortunate campaigns against the united powers of Germany, England, Holland, Portugal, and Sardinia; and though Spain and Sardinia now make use of France to enlarge their dominions in Italy, yet if France shewed the least inclination to make a conquest of Germany, they would turn their arms against her, because they must preserve Germany, in order to preserve their own dominions in Italy, or indeed in any part of the world. The circumstances of Europe are now very far from being the same they were at the beginning of the late war; the king of France was then absolute master of Spain, and could make that nation do whatever he had a mind; but now France must act very cautiously, in order not to give that nation any jealousy of her aiming at too great an increase of power, otherwise the Spaniards may soon become as deadly foes to the French as ever they were heretofore. I must therefore think, my lords, that the liberties of Europe are not in such danger of being swallowed up in the event of the present war; but if they were, they cannot be swallowed up so soon, even by the most sudden and most fatal accident, but what his Majesty may have time enough to apply in a regular manner to his parliament for advice and assistance, before he can be under a necessity of declaring himself of either side of the question.

But, my Lords, we are told that this parliament must be dissolved; and before a new one can meet, his Majesty may be obliged to declare himself, or at least that some of the powers engaged in war may become jealous that he is to declare against them, and consequently may attempt to invade this nation before his Majesty can have the assistance of a new parliament to enable him to provide against such invasion.

This is an argument I am sorry to hear made use of, in this House; and I am persuaded the noble lords who make use of it, do not mean such a conclusion as seems naturally to flow from it; for, in my opinion, it plainly seems to carry this insinuation, that the granting of such a power at the end of every parliament, will be always necessary hereafter. If that were really the case, I should be very apt to conclude, that the power would then be made use of, not to defend the nation against foreign invasions, but to defend the ministers against the danger they might have reason to apprehend from an anti-ministerial parliament, in case the new one should appear to be of such a complexion; and I am very sure, that a minister with such a power in his hands, and such a parliament against him, would never allow that parliament to meet.

We are now told, as I have already taken notice, that our neighbours are deeply engaged in war one against another, that they have great armies in the field, and powerful fleets ready to put to sea; that they may conceive a jealousy that we are to join against them, and may consequently invade us before the king can have the assistance of a new parliament to enable him to provide against that invasion; therefore before we draw our last breath, we must, it is said, for our own safety, put an absolute power into the hands of the crown, to continue till the ministers shall think fit to convene the new parliament. At the end of the next parliament there may, my lords, be the same reason for granting the same power, and the reason will be much stronger if we are then actually engaged in the war: but suppose there is then a profound tranquillity in Europe, our neighbours very probably will have very near as great armies and as powerful fleets as they have now; and may we not then be told, your neighbours are now no way engaged elsewhere, their armies are quartered very near the sea coast, their fleets may be made ready to put to sea in a month's time, they may conceive a jealousy that you are to invade them, and therefore they will endeavour to invade you; for this reason it is necessary for you to put an absolute power into the hands of the crown? Will not this argument be then stronger than the argument now made use of? It will, my lords, in my opinion, be much stronger; we are certainly in greater danger of being suddenly invaded by our neighbours, when they have their troops unemployed and quartered upon their sea coasts, than when all their troops are marched many hundred miles from their sea coast, and employed against another enemy; and surely they may more suddenly fit out a fleet proper for that purpose, when none of their ships of war are employed elsewhere, than when

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they are obliged to keep many of them in seas very far distant from this island.

The dictatorial power was, my Lords, a part of the Roman constitution, even from the very beginning of their republic; but while they preserved their virtue, while they preserved their liberty, this power was never granted but upon the most important, the most urgent occasions, and was never granted for a longer term than six months; when the virtue and the public spirit of that once brave people began to decay, this power was often granted upon trifling occasions; it then began to be granted for a long term, and soon after was granted for life: with this last grant they granted away all the liberties of their country for ever: The dictator might die, but the power was handed down immediately to another; the tyranny became perpetual. The power now asked for is in some measure a dictatorial power; it has but of late years crept into our constitution: it was never yet granted but upon the most urgent occasions: but if we once begin to grant it for a time indefinite, and upon such suppositions and may-be's I can easily foresee what will be: It will at last, nay, it will soon be either granted or taken for life, and then adieu for ever to the liberties of Great-Britain.

I will allow, that by our constitution our kings have always had, during the interval of parliament, a sort of dictatorial power, a power to take care that the common-wealth may be no way injured; and therefore in case of any sudden and unexpected danger, the King may raise forces, or may fit out a fleet, for preventing that danger; and where the danger is apparent, it is certain the King never did, nor ever will want money as long as there is any in the nation; for upon such an occasion no man will refuse to lend his money to the government; and the parliament will certainly approve of what has been done, and provide for the re-payment of what has been borrowed, provided it be made appear to them that there was a necessity of putting the nation to that expence; but the asking for such a power before hand, looks as if something were intended which could not well be approved of: It looks as if the nation were to be put to an additional expence without any apparent reason for so doing; and as if this anticipated credit were asked for from parliament, in order to encourage people to lend their money to the public, though they see no necessity for any such public expence. No man will refuse to let an infant of a good estate have whatever may be necessary for his subsistence; for this he has no great occasion for any letter of credit from his guardians; but if his guardians should be such fools, or rather such unfaithful guardians, as to give him an unlimited letter of credit for borrowing whatever he himself might think necessary for his subsistence, it would certainly tend to throw him into extravagance, and might make him a prey for usurers and extortioners.

I am very well convinced, my lords, that the safety of the people will not be any way better secured by the resolution now proposed; but I am very far from thinking that the power of the crown will be no way enlarged; if it were really thought so, I am sure no minister would ever give himself the trouble of persuading the King to send such a message to parliament; but suppose I were convinced that no additional power is by this proposition to be granted to the King; that very consideration would with me be a most prevailing argument for being against it; for it must be allowed that what is now proposed is something very extraordinary, and contrary to all those forms and methods of proceeding in parliament, which long experience has taught us to be necessary for the preservation of our liberties; why then should we make so great an incroachment upon our constitution, if neither the safety of the people, nor the security of the crown be thereby any way improved? this reason, I say, my lords, if there were none other, would prevail with me to be against agreeing to the proposition now before us; but as I think it of the most dangerous consequence to the liberties of the people, as I think that a power is thereby to be granted to the crown, which ought never to be granted but in cases of the utmost, the most imminent danger, therefore I shall most heartily give my negative to it.

Lord *Hardwicke* spoke next:

My Lords; I think it is now admitted by both sides, that during the interval of parliament his Majesty has by law, and without any previous authority from parliament, a power to provide for the safety of the kingdom, and consequently he must have a power of doing whatever shall appear to be necessary for that end; therefore I hope it will be no longer insisted on, that there is any thing very extraordinary either in the Message now under our consideration, or in the proposition that has been

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made to us in consequence of it. His Majesty only asks for a previous authority for doing what he certainly might do without any such authority; and we by the address proposed to us, only promise to support his Majesty in what shall appear to be necessary for the safety of the nation, and for the support of his crown and dignity. If the nation should be unnecessarily put to expence, if any extraordinary measures should be pursued, without a necessity for so doing, the ministers will be answerable for it, and may be punished in the same manner as if no such address had ever been proposed; and as there is no extraordinary power asked for, or proposed to be granted, the method of doing it cannot be of any weight in the debate, nor can it be attended with any ill consequence.

As to the giving his Majesty a power by an address or a vote, to raise land forces, there is certainly nothing illegal in it; for though the King cannot by law raise or keep up a standing army in this nation in time of peace without consent of parliament; yet, my lords, I know of no law that directs how that consent is to be obtained; it may, in my opinion, be had by a vote or an address from each House of Parliament, as well as by an act regularly passed in parliament. And as to the mutiny-bill which we have already passed, it is the same with former bills of the like nature, though there be a particular number of land-forces mentioned in the preamble; yet the enacting part is general, and comprehends all the regular forces that then were on foot, or that shall be raised in this kingdom during the continuance of that act.

Therefore, my Lords, as there is nothing illegal or extraordinary in the message, or in the proposition now under our consideration; as from the present known circumstances of Europe some accidents may happen that may put this nation under a necessity of making a farther provision for self-defence; and as those accidents may fall out so suddenly and so unexpectedly, that there may not be a possibility for his Majesty to have time to take the advice and assistance of a new Parliament, I cannot but be for agreeing to the proposition now made to us.

Lord *Bathurst* spoke as follows:

My Lords; I have a very great regard for the opinion of the noble lord who spoke last, especially in so far as relates to the laws and the constitution of this kingdom; and therefore I am the more surprised to hear him declare, that he knows of no law which determines and directs the method by which his Majesty is to have the consent of his Parliament. I will not pretend to be so well acquainted with the laws or the statutes of this realm as that learned lord; but I am sure there is a law which determines the method by which his Majesty is to have the consent of his Parliament, as well with respect to the raising and keeping up a standing-army in time of peace, as with respect to every other case where the consent of Parliament is necessary by our constitution: I mean, my Lords, the *Lex et Consuetudo Parliamenti*, which I look upon to be as much a part of the laws of England as any other part of the common law, nay, as any statute expressly enacted by King, Lords and Commons. It is true, my Lords, there is not, I believe, any express statute for directing the method of obtaining the consent in question; but there is never an express statute made in any case, but where the common law is either doubtful or deficient; and as this part of the common law, as this custom of Parliament was never before called in question, it was never thought necessary to make any express statute for regulating the method of obtaining the consent of Parliament; but in this age we seem inclined to call in question every custom and every maxim established by our ancestors, especially when it interferes with any favourite point our ministers have in view.

I hope, my Lords, it will be allowed, that no tax can be imposed or levied upon the people but by consent of Parliament: This, I hope, will be allowed to be one of the fundamental maxims of our constitution, and the meaning of this maxim I always took to be, that no tax could be raised but by act of Parliament; but as there is no express statute for regulating the method of obtaining the consent of Parliament in this particular, I do not know but it may now be said, that taxes may be imposed, or the King may be enabled to impose a tax by a vote, or by an address from both Houses of Parliament; I am sure it may be said, that this method of obtaining the consent of Parliament is as sufficient for the raising of money as it is for the raising of an army: indeed if we agree to the proposition now before us, it will seem to insinuate as much; for though we do not thereby expressly impower his Majesty to impose a tax, yet we

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are to impower him to borrow money, for the re-payment of which some tax or another must be imposed next session of Parliament; and I do not know but the gradation will be found more easy than some people at present seem to apprehend; for us to proceed from impowering the crown, by way of a vote or an address to raise money by a loan, to that of impowering the crown by way of a vote or address, to raise money by any tax the crown shall think fit to impose.

As to the Mutiny-Bill, my Lords, I really did not take particular notice of the Bill last passed in this House: that Bill is now become so much a Bill of course, that I never once doubted its being in the same words with other Bills of that nature formerly passed in Parliament, and therefore I did not read it with that attention which I ought to have done; but I am sure that in some former Bills of the same nature, the number of forces to be kept up was mentioned to be so many, and no more: whether the words 'no more' be in the last Bill I cannot determine; but grant they are not, I am persuaded some lord of this House, or some member of the other would have taken notice of their having been left out, if it had not been thought that they must necessarily be understood: and I think every man has good reason to suppose, that no greater number of the subjects of England can be subjected to the martial-law than the number mentioned in that Bill, whether the words 'no more' be added or not. It is certain that no part of the common law, much less Magna Charta, or any other express statute, can be repealed but by act of Parliament: I hope it will not be said that any one of the standing laws of England can be repealed by a vote or an address from both Houses of Parliament, though I do not know indeed but even this doctrine may hereafter be insisted on as a natural consequence of the doctrine this day advanced in this House.

However, my Lords, I hope we shall not this day advance so far in our new improvements: and therefore it must be allowed, that no private man can be stript of those liberties and privileges which he enjoys by Magna Charta, and many other statutes, without a new law made for that purpose; and I hope it will be granted, that whatever general words are in any statute, which are or may seem to be contrary to the liberty of the subject, are always to be taken in the most confined sense; they cannot be so much as explained, much less extended, by a vote, or by an address of either or of both Houses of Parliament. It will likewise, I hope, be granted, that all those who are by the Mutiny-Bill subjected to the martial-law, are thereby stript of a great many of those liberties and privileges which they are intitled to as subjects of England; and therefore if there are any general words in that Bill, for subjecting all those to the martial-law who shall thereafter inlist in his Majesty's service; these general words must refer to the particular number of men mentioned in the Bill, and when that number is complete, no man that lists thereafter can be subjected to the martial-law either by a vote or an address; there must be a new Bill for that purpose, otherwise there is not a man in the kingdom but may be stript of most of the valuable privileges he enjoys as a subject of England, by a single vote in Parliament; for if we can by a vote or an address, impower his Majesty to raise as many land forces as he pleases, and subject all the forces so raised to the military-law, we certainly can, by the same method impower the crown to impress men into the service; and if such a vote should be passed, what man in the nation could say he had an hour's certainty of enjoying those liberties and privileges he is intitled to as a subject of England.

My Lords; Till this day it has always been held for an undoubted truth, that the consent of parliament cannot be obtained any other way than by a Bill brought into either House of Parliament, and regularly passed through both: By the custom of parliament this Bill must be twice read, then committed, and then read a third time in each House of Parliament, before it can be presented to the king for his consent; and then at last it must have the royal assent before it can be looked on as a law of this kingdom, or as a regulation to which the parliament has given its consent. These forms and methods of proceeding in parliament were wisely established by our ancestors, to give time to every gentleman of either House to be fully apprised of what he was about, to consider maturely all the consequences of what was proposed, and even to consult and advise with his friends, before he should be obliged to determine himself as to either side of the question; and if ever this method should be altered, if ever the doctrine should take place, that we may do as much by a vote as we can do by a Bill, our constitution will be upon the

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most precarious footing: Both Houses of Parliament may be surprized into a thing which it will never be in the power of the nation to retrieve; nay, I do not know but some day or another both Houses of Parliament may be brought in by surprise to surrender up to the crown all the rights, liberties, and privileges of their country by one single vote.

There is a very great difference, my Lords, between anticipated promises and future provisions. The first is a running in debt, the other is a paying of ready money for what we have; and the nature of mankind is such, that most men are apt to be more extravagant when they live upon credit than when they pay ready money for every thing they have. This nation has already suffered severely by the former practice, and therefore I wish we would begin to think of following the latter only for the future: But there is this further difference between the parliament's providing afterwards for what the nation has been obliged necessarily to expend, and promising before hand to provide for what the administration may thereafter think themselves necessarily obliged to expend, that in the first case the honour of parliament is no way engaged to the creditors of the public; and if the nation should be idly and extravagantly run into debt, I believe the parliament would not think themselves any way obliged to pay the debts which had been so contracted, especially, because in such a case it may be supposed, that those, who had upon such an account become the creditors of the public, would generally consist of the creatures and favourites, perhaps the trustees of the ministers; but in the latter case the parliament stands engaged for all the debts that shall be contracted, whether the expence was necessary or not: The giving of anticipated promises is giving a previous credit to ministers, it is putting a parliamentary trust in them, it is really vesting in the ministers a parliamentary authority, by which many innocent private men may be encouraged and drawn in to lend them their money, and therefore the honour of parliament stands engaged to repay that money to the public creditors, without any regard whether it has been necessarily expended for the benefit of the public or not.

I shall readily grant, my Lords, that if in consequence of such anticipated promises the ministers should run the nation into an unnecessary expence, the next parliament might punish the ministers who had advised such measures; but suppose such ministers were actually hanged up, as they certainly would deserve, would that make good the damage the nation had sustained? Their sufferings might perhaps make some holy days for the populace: But can we suppose that their estates would be sufficient to reimburse the public, or to satisfy the debts with which they had loaded the public, by means of the credit imprudently given to them by parliament? Surely there is more wisdom in not putting it in a man's power to betray his trust, than there is in foolishly and needlessly reposing a great trust in a man, whereby he is not only enabled, but perhaps tempted to cheat one; and then hanging him for doing so. This is really the present case; the giving such an unlimited credit to ministers, is really laying them under a very great temptation to defraud the public. We know, my Lords, how natural it is for men to hope for impunity; nay, we know how difficult it is even for parliaments to bring great and high criminals to condign punishment; and such a power and credit as are now proposed to be given, may afford a precedent, by which some future minister may be enabled to put it absolutely out of the power, both of the parliament and the people, ever to punish him, or any such as him thereafter.

The power and the credit now proposed for us to give are, my lords, at all times dangerous, but much more so when granted at the very end of a parliament, and just before a new election. I do not believe that any bad use will be made of the unlimited credit now proposed to be given; it is not to be supposed that a bad use can be made of any powers we give under his Majesty's wise administration; but I do not know what may happen hereafter: if we should ever chance to have an ambitious prince upon the throne, or a weak prince under the sole management of a guilty and wicked minister, a precedent may be made of what is now proposed, the same unlimited powers may be then obtained from an expiring parliament, under the pretence of defending the nation against imaginary and unknown dangers, but really in order doubly to arm that prince or minister against our constitution: that is to say, to furnish him with money to be laid out in procuring a majority of the creatures and slaves of the administration to be returned for the ensuing parlia-

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ment; but in case he should fail of success in that attempt, to furnish him with such a standing army as might be sufficient to protect him against the highest resentment of the new parliament, or to support him without any parliament at all. If the first project should succeed; if he should by bribery get a parliament to his mind, such a parliament we may believe would certainly conclude with a like vote of credit, in order to chuse the next; and thus a tyrannical administration, and a slavish parliament would for ever be entailed upon this nation. But suppose he should fail in his project of bribery, he would then have recourse to his army, and might thereby support himself without any parliament at all; for surely no man can suppose that a prince or minister, with a numerous standing army, entirely under his direction, and commanded by such officers only as he shall please to appoint, will ever want money to support that army, or to answer the other demands of his government: as long as the parliament complies with all his requests, he will accept of what money he wants in a legal way; but if the parliament should once begin to refuse, he will thence resolve to raise that money in an illegal way, which he finds he cannot have in a legal. This, I hope, my lords, is not the design at present; but as what is now proposed may give encouragement to the forming of such designs, and may be made a precedent for rendering that design successful; therefore must be for disagreeing with the motion.

The earl Poulet spoke next in favour of the motion, then the earl of Aylesford, and after him the duke of Montrose, spoke both against the motion:

Lord *Talbot* (Lord High Chancellor,) spoke as follows:

My lords; The present situation of the affairs of Europe is so well known to every lord in this House, that it is very unnecessary to give any particular account of them: considering the dangerous and heavy war now actually begun, and the many powers engaged in that war, it is certain that some accidents may occur which may threaten this nation with great and imminent dangers: this was, we may suppose, the occasion of the present message from his Majesty to this House; and it must be granted, that this was a most weighty reason for sending such a message; but as by that message his Majesty desires no powers but what were before vested in him, therefore we are to look upon it only as an application from his Majesty for the advice of his parliament, with relation to what may be thought most proper to be done at such a critical juncture; and the address proposed by the noble duke is, in my opinion, the most dutiful and the most proper return we can make to such a gracious message.

If, without sending any such Message to parliament, the ministers, in case of an absolute necessity, had augmented our forces both by sea and land, and had borrowed money for that purpose, can it be doubted but that the next parliament would have approved of such measures, and would have provided for such expence? but if they should augment our forces either by sea or land, or put the nation to any expence, without an apparent necessity for so doing, is there any thing in the address proposed that can tend to justify them for such a piece of mismanagement? Will not the next parliament be left as fully at liberty to punish them, as if no such message had ever been sent to parliament, nor any such address presented by parliament to the king?

I will grant my Lords, that by the Address proposed the ministers may have a little more credit among the people than otherwise they might have had. I will allow that the honour of parliament will, by the address proposed, be engaged to provide for the expence that may be incurred, and to repay the money that may be borrowed on that account, whether it shall appear that such expence was necessary or not; but this is the very reason that I am for the proposition made to us: surely in such a dangerous situation as the affairs of Europe are in at present, the nation is not to be left defenceless, for fear a bad use should be made of the powers granted for providing for its defence. Shall we refuse a reasonable credit or reasonable powers to our government, and thereby expose the nation to be invaded or over-run by a foreign enemy, and our government perhaps entirely subverted, only for fear that by granting such a credit the nation may perhaps be brought into a little unnecessary expence, or for fear our ministers should make a bad use of that trust which we repose in them? My lords, it is absolutely necessary at all times and in all countries, to put some trust in those who are appointed to administer the affairs of the public; without some such trust it would be impossible for any government

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to subsist; and the greater danger a country is in, the more trust must the people necessarily repose in their governors.

But there is another consideration which is of greater weight with me; his Majesty tells us, he has nothing more at heart than to see the flame of war extinguished; and as it is to be hoped his Majesty will succeed in his endeavours that way, before the flame come to such a height, as that we may be necessarily obliged to involve ourselves in it, there is nothing can tend more towards making his Majesty's endeavours successful, than to convince all the powers now engaged in war, that there is a perfect harmony subsisting between his Majesty and his parliament; that we repose an entire confidence in his Majesty's wisdom and conduct; and that we will be ready upon all occasions to support those measures which his Majesty may find himself obliged to take: and is there any thing can be a greater testimony of all this to foreigners than our agreeing to the address now proposed? This will convince every one of them, that in case any of them by their obstinacy shall provoke his Majesty to declare against them, he will fall upon them with the whole power of this nation; and when the united force of this nation is thrown into the scale, the weight of it is well known to all the powers in Europe.

As to the method of granting the power or the credit now asked for, there is nothing new in it; it is what has often been practised before, and is now the more necessary, because it is proper the parliament should be soon dissolved, and we do not know what may happen before it may be possible for the new one to assemble. It is true, the present parliament does not of itself expire by the Septennial Bill till the month of September or October next, so that there is not any absolute necessity for calling a new parliament before that time; but the sooner a new parliament is called I believe it will be the better; for though a new parliament can do nothing but what the present may do, yet there is such a thing as the complection of a parliament to be considered; and if the new parliament shall appear to be as much devoted to his Majesty as the present, it will shew that there is a perfect harmony subsists between his Majesty and his people in general; and the new parliament being to continue for seven years, it must add a much greater weight to his Majesty's councils, and to his negotiations abroad, than can be expected from a parliament which is to expire in six months.

Therefore, my Lords, as there is nothing new or extraordinary in the Address proposed, as I think it the most proper return can be made, and such a return as we ought in duty to make to his Majesty's most gracious Message; and as I think it absolutely necessary for the safety of the nation, and for rendering his Majesty's endeavours for re-establishing the tranquillity of Europe successful, I shall give my consent to it.

Lord *Carteret* said:

My Lords; It is not to be denied, it has not in this debate been denied, but that the parliament may grant, and have formerly, though but very seldom, granted some extraordinary powers to the crown when it has been made appear to them that the nation has actually been in any great and imminent danger; but to take such an extraordinary step, to grant such extensive and unlimited powers to the crown, when it is not so much as pretended that the nation is in any imminent danger, I will aver to be not only a new but a most dangerous precedent. To tell us that the nation may be in danger, and therefore we must grant such a power as is now demanded, is certainly something very extraordinary: It is a reason for granting such powers that will always exist; and in my opinion it always will, and always ought to be more prevalent when our neighbours are all at peace with one another, than when they are deeply engaged in a war; for if ever any quarrel should arise betwixt us and any of them, if ever any of them should conceive hopes of advantage from making an invasion upon us, it is certain they will be in a better condition, and more easily induced to revenge that quarrel, or to make an invasion, when they are no way engaged elsewhere, than when they are deeply engaged in a war with some other nation, and have use for all the forces they can raise in a quite different part of the world.

I do not know, my Lords, but that there may be occasion for putting the nation into a better state of defence than it is in at present; but I am convinced that occasion is not now so pressing but that it may be done in a regular parliamentary way. To pretend that the putting of an absolute power into the hands of the crown will give weight to his Majesty's councils, and to his negociations abroad, is to suppose that foreigners know much less of our consti-

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tution, or of the temper of our people than they really do: Perhaps ways and means may be found to prevail upon a parliament to do so, but our neighbours know that it is contrary to the nature of our constitution; from thence they will most justly conclude, that such a measure will render the generality of the people disaffected, and this of course will diminish the weight of his Majesty's negociations abroad, and will make foreigners much more ready both to insult and invade us, than we can suppose they would otherwise be.

I will admit, my Lords, that his Majesty has a power of providing for the safety of the nation during the interval of parliament; but that power must be very moderately used, and certainly, in case of any sudden danger, the parliament is to be called together as soon as possible. If during the recess of parliament it should be discovered that the nation were threatened with any imminent danger, his Majesty may immediately issue out the proper and necessary orders for augmenting his forces both by sea and land, and he may borrow what money may be immediately necessary for that purpose; but upon any such occasion it is certain, that his Majesty ought at the same time to issue a proclamation ordering the parliament to assemble forthwith, and whoever should advise him otherwise would be to the highest degree criminal, and would deserve the severest punishment. As upon any such occasion the parliament might meet in a very few weeks, we cannot suppose that any extraordinary sums could be wanted in so short a time: And as his Majesty enjoys the hearts and the affections of the people, their purses will always be open to him upon any emergency when the danger is apparent, especially when they see the parliament summoned to meet, from which they may expect immediate reimbursement: Indeed when pretended and imaginary dangers are invented by ministers only for their own ends, it is not to be supposed that they can borrow much money from the people without a previous authority from the parliament for so doing; therefore there never can be any occasion for such a previous authority in the time of real danger; as the granting of such a previous authority can serve only for enabling ministers to load the public when there is no real danger to be apprehended, as the granting of such previous authorities may some time or other enable a prince or minister to overturn our constitution, no such ought ever, in my opinion, to be granted; but if ever any such is to be granted, it ought to be granted in a regular parliamentary manner, and not in the manner now proposed, especially when even those that ask for it in such an extraordinary a manner, cannot so much as say that the nation is in any imminent danger.

The earl of Scarborough spoke next for the question, and then

The Earl of *Ilay** spoke as follows:

My Lords; The affair now before us I take to be an affair of the utmost consequence; it is an affair in which the safety of

* "Archibald, earl of Ilay, and afterwards duke of Argyle, on the death of his brother John, was second son of Archibald earl of Argyle. He was born at Ham house, at Petersham, in 1682, educated at Eton, and resided in England until he was about seventeen years of age, when he was sent to the university of Glasgow. Being a younger brother, with a small fortune, he went to Utrecht, and made a considerable proficiency in the civil law, with a design to practise in that line. But his father being created a duke, he renounced this intention, and embraced the profession of arms. He was, when very young, appointed colonel of the 36th regiment of foot, and governor of Dumbarton castle. But finding himself more qualified for a statesman than a soldier, he quitted the army, and with his usual assiduity, employed himself in the acquisition of political knowledge. In 1705, he was appointed lord register of Scotland, and in the ensuing year, was nominated one of the commissioners for settling the union: In consideration of his services, he was created earl of Ilay, and on the conclusion of the treaty, was chosen one of the sixteen peers of Scotland, and constantly elected in every future parliament, till his death, excepting that which assembled in 1713. His exclusion at that time, was owing to the zeal with which he had abetted the cause of the Whigs, and promoted the succession of the Protestant line. In 1710, he was made justice general of Scotland.

"Although he had long renounced the profession of arms, yet when the rebellion broke out in 1715, he placed himself at the head of a corps of royalists; prevented, by his prudent conduct, general Gordon, at the head of 1,000 men, from penetrating into the Western Highlands; and raising levies, joined the duke of Argyle at Stirling, and was wounded at the battle of Dumblain. His military conduct was only a temporary exertion. His principal merit consisted in his parliamentary abilities, which were very considerable. In his study of the law, he had acquired acuteness of apprehension and method of arrangement. His speeches were replete with solid arguments

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this nation, and the honour and dignity of the crown are, I think, deeply concerned; and therefore I am surprised to hear it treated by some lords in so ludicrous a manner: Such a method of treating any subject ought never, I think, to be made use of or admitted into any of the debates in this House, but is still more improper when made use of in a debate of so very great consequence as the present.

Though this nation, my Lords, may not perhaps, at this very instant, be exposed to any immediate danger, though we are not as yet any way engaged to take a share in the present war, yet it is highly probable that we may at last be obliged to engage ourselves in order to preserve that balance of power upon which the liberties of Europe, and consequently the liberties of this nation, absolutely depend; nay it is certain, that we must at last engage in the war, in case his Majesty cannot by his authority, and by the weight which his councils may have in foreign courts, oblige the contending parties each to yield up some of their pretensions, and all to submit to the just proposals which he may think proper to make for restoring the tranquillity of Europe. Therefore, my lords, in order to increase his Majesty's authority, in order to give his councils that weight which they ought always to have in foreign courts, we ought to agree to the proposition now made to us; for if the powers now engaged in war see that his Majesty has an entire confidence put in him by his Parliament, and that this nation is, in all events, well provided, not only for its defence, but for falling with great vigour upon that power, or that side which shall by their obstinacy, provoke his Majesty's resentment, it will add a prevailing weight to those negociations, which his Majesty shall find it necessary to enter into, and thereby the balance of power may be preserved, the tranquillity of Europe may be restored, without this nation's being at all obliged to take any share in the war, and perhaps without laying his Majesty under a necessity of making any great use of those powers, which are now proposed to be granted to him; whereas if the powers now asked for should be refused, it will make foreigners believe that neither the parliament nor the nation can put any great confidence in his Majesty's conduct, and consequently they will have little or no regard to any proposition his Majesty may make to them, by which this nation will at last be necessarily drawn into the war, and will thereby be exposed to great dangers and many losses, and put to an infinite expence.

The eyes of all Europe are fixed, my Lords, upon the measures to be taken by this nation in the present conjuncture, and if either of the parties now engaged in war should begin to suspect that we were to fall in with the other, to oppose any of their designs, or to put a check to the success of their arms, they would immediately, and with as much dispatch and secrecy as possible, attempt to make an invasion upon us, especially if they saw that we were no way provided against them: These suspicions and jealousies may arise without any foundation, they may begin to suspect that his Majesty has resolved and is preparing to join against them, before any such resolution be really taken, or any preparations made for that purpose. It is true, his Majesty may not perhaps be obliged to declare himself openly on either side till he has had time to take the advice and assistance of a new parliament, and to make proper provisions for the defence of the nation; but it is impossible to foresee how or when some of our neighbours may begin to suspect that we have such a design, and therefore it is necessary for us immediately to prepare, at least to put ourselves in a proper posture of defence, and to furnish his Majesty with the powers necessary for that purpose.

I am surprised to hear it said, that our neighbours will always, even in time of peace, be in as good a condition to execute a design suddenly against us, as they are at present. In time of peace, some few of their forces may perhaps be quartered upon their sea coasts, but then these forces are always, for the convenience of quarters, separated and dispersed in such a manner, as to put it out of their power to assemble any great number, at any one place, upon their coast, without giving us just ground for taking the alarm, and sufficient time to provide against them: whereas, at present, they may march a great detachment

and keen observations; his language was plain and fluent, and his manner grave and solemn. He continued invariably attached to sir Robert Walpole, during his long administration, and counteracted, as much as lay in his power, the violence of his brother's politics, when he joined opposition. In 1725 he had been nominated keeper of the privy seal, and in 1734, he was made keeper of the great seal, which office he held till his death." Coxe's Walpole.

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from their army, and that detachment may be arrived at a proper place for embarking, before it is possible for us to know what route they have taken, or to suspect that they are designed against us. In time of peace their men of war are all laid up in their harbours, their seamen are dispersed, and many materials are wanting before a large fleet can be fitted out; and therefore it is impossible to imagine, that any of our neighbours can then be in such readiness to make a sudden invasion upon us, as they are at present, when most of their ships of war are ready fitted out, well manned, and provided with every thing necessary for sailing upon any expedition.

For these reasons, my Lords, I must conclude, that we are now in greater danger of being invaded, than we can ever be in time of peace, and if I should refuse to grant the powers now asked for, I should really think myself criminal; if a servant, who knew that his master's house was in danger of being attacked by thieves, should leave the door open, in order to give them an easy opportunity of entering, to murder the family and plunder the house, I should think such a servant more guilty than any of the thieves themselves; and if I should refuse to give my consent to the resolution proposed, and an invasion should be afterwards suddenly made upon us, and this nation thereby involved in war and confusion, I should look upon myself to be in the very case of such a servant, and therefore guilty of one of the most heinous crimes that can be committed against my country.

The Earl of *Winchelsea and Nottingham* spoke next:

My Lords; The noble lords who have spoke in support of the resolution proposed to us, have all spoke, as if this nation were no way provided for its defence, which really to me, my lords, seems to be something very surprising. I cannot comprehend what we have been doing in all the former part of this session of Parliament, if we have not already provided sufficiently against any invasion that can be secretly and suddenly made upon us. Have we not resolved to keep up a very numerous army of land forces in this island, besides the numerous army kept up in the neighbouring island, which may be brought over upon any emergency to our assistance; and from all these, cannot we in a few days form an army of regular troops? I am sure much greater than any army of foreigners that can be sent by surprise to invade us. Surely no lord in this House can imagine, that so numerous an army must always be kept up in this island, even in the time of the most profound tranquillity: nay, if we were actually engaged in war, I hope it would not be thought necessary to keep always such a number of regular forces at home, in order to guard our own dominions against invasions; I hope it would in such a case be thought, that we might safely send a great part of them abroad, in order to carry the war into the territories of our enemies, otherwise any war we may hereafter engage in, must become very chargeable and burthensome to the nation. But besides the land army we have already provided, have we not already made a very great addition to the number of our seamen, and have not we thereby already enabled his Majesty to fit out a fleet much superior to any squadron that can be sent against us? From all which I must conclude, my lords, that we have already sufficiently provided for the safety and defence of the nation, against any sudden and unexpected attack that can be made upon us; and if his Majesty should think fit to join either of the parties now engaged in the war; if any foreign power should declare war against us, or if any of our neighbours should openly prepare to invade us, his Majesty would have time enough to call the Parliament together, and thereby we would have an opportunity of providing in a regular parliamentary way for whatever should be thought proper either for offence or defence.

I hope, my Lords, I shall always be as ready as any Lord in this House, to put all proper confidence in his Majesty: I am upon the present occasion extremely willing to strengthen his Majesty's hands as much as possible, in order to add weight to his negotiations, and to enable him to restore by his influence the tranquillity of Europe, or to preserve by his power the liberties of Europe; but is there no way of preserving the liberties of Europe, without making a sacrifice of the liberties of Great Britain? Are, we, under such a pretence, to give up the rights of Parliament? Are we to put an absolute and unlimited power, and by such an extraordinary method too, into the hands of his Majesty's ministers? No, my Lords, no such power can ever be necessary; I hope this House will never agree to any such

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ministerial demand; for the present I must look upon as such: I shall always look upon such extensive demands as coming from the ministers only; they may be necessary for the protecting of guilty ministers, but they can never be necessary for preserving the honour or the dignity of the crown.

The King has, no doubt, a power to make what treaties, and to enter into what negotiations he may think proper; and if the nation should happen to be threatened with any immediate attack, he may, and I hope always will take the proper measures for preventing or defeating that attack: in all such cases it is not to be doubted but the Parliament will approve of what has been done, when they come to examine into the measures so taken, and find that they were wisely concerted, and necessary for the end proposed; but if the contrary should appear; if it should appear that dishonourable and inconsistent treaties have been concluded; that ridiculous negotiations have been set on foot and ridiculously carried on; that the nation has been sometimes exposed to dangers and insults without any just cause, and often put to great expence when no danger could possibly be apprehended; has not the Parliament, in such a case, a power? Are they not in honour, in duty to their country, bound to enquire into such misconduct, and to punish the authors of such knavish or such foolish councils? And shall we, my lords, thus before-hand approve of whatever negociations or treaties the ministers may be pleased to advise his Majesty to enter into or conclude? Shall we thus give an anticipated promise to provide for whatever expence the ministers may pretend to think necessary for the nation's defence? No ministers ought to desire such an implicit faith to be placed in their future management, and I cannot think that the present, by their late conduct, deserve any such extraordinary confidence.

With respect to those who may become creditors of the public, the difference betwixt an anticipated promise and a posterior approbation has been already fully explained: it has by both sides been admitted, that the honour of parliament in the first case stands engaged to the creditors of the public, whether the expence incurred may be thought necessary or not; but in the last case the honour of parliament does not stands engaged, unless it appear to them that the expence was necessarily incurred. But I must likewise take notice, my lords, that it is the same with respect to any treaties that may be entered into: when the parliament grants beforehand such full powers as are at present demanded, the honour of parliament stands engaged to see such treaties punctually performed, whether they be consistent with the honour and interest of the nation or not; but when treaties are concluded without any such full powers from parliament, the honour of parliament is no way engaged to perform them, unless they approve of them; the most that the parliament or the nation are in honour obliged to do in that case, is, to make a sacrifice of those ministers, who engaged their country in such dishonourable or disadvantageous treaties; but in the first case I do not see how the nation could get off from the obligation, unless it were by making a sacrifice of all those members of either House of Parliament, who consented to the granting of such powers, as well as of the ministers themselves.

I will agree that the question now before us is an affair of the utmost consequence; it is an affair in which the safety of the nation, and the honour and dignity of the crown are deeply concerned; but I am convinced that the safety of the nation, and the preservation of the honour and dignity of the crown, consist in rejecting the proposition now before us: in this the safety of the nation certainly consists, because our agreeing to the proposition would, in my opinion, be, to bring the nation into a real domestic danger, under the pretence of providing against a foreign danger, that is either altogether imaginary, or so distant that it may easily be provided against without making a sacrifice of our constitution; and as the honour and dignity of the crown of Great Britain consists in our king's being the king of a free people, therefore every thing that may tend to encroach upon the freedom of the people, which this proposition directly does, must derogate both from the honour and dignity of the crown.

I shall likewise grant, that the present subject ought to be treated in the most serious manner: I am really sorry to hear such argument founded upon such pretended dangers; for I may venture to prophesy, that if ever the parliament of Great Britain should come into the practice of raising phantoms in the air, as an excuse for their granting extraordinary powers to ministers of state, the liberties of this

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nation will then begin to stand upon a very precarious footing: they will depend entirely upon the ministers for the time being; if they make a right use of the powers granted them, our constitution may be, during their time, preserved; but they may, whenever they please, turn those powers towards the overthrow of our constitution; and as the future safety of ministers of state may very probably soon come to depend upon the overthrow of our constitution, after our liberties come to depend upon such guardians, I am afraid they will be but short-lived.

The noble lord who spoke last told us that the servant who left his master's door open for the thieves to enter and steal, was as criminal as the thieves themselves; in this I agree with him; but in the present case who is the criminal, the treacherous servant? We are told, that the nation is now in no greater danger than it was at the beginning of the session; therefore we are now either in no danger and consequently under no necessity of granting the powers asked for, or we were then in great danger, and the criminal, the treacherous servant must be he who then knew of that danger, and yet has concealed it from us, has concealed the design and the approach of the thieves, 'till it is become impossible for us to shut our doors against them, 'till it is become impossible for us to guard against the danger from without, but by exposing ourselves to as great danger from within.

Lord *Hervey* spoke next as follows:

My Lords; As so much has been said in favour of this question by the noble lords who have spoke before me in the debate, I shall give you but a very little trouble on the subject. I shall suppose, my Lords, that the danger we may be in, is now neither greater nor more imminent than it was the very first day of the session; yet I think a very good and sufficient reason may be assigned, for his Majesty's being now obliged to make an application to his Parliament for further powers, which he did not think himself under any necessity to make at the beginning, or during the continuance of the session.—Though this nation was in danger at the beginning of the session, yet, my Lords, his Majesty did not think the danger so imminent as to oblige him to put his people to any greater expence than what was at that time proposed, and has been provided for by Parliament. While the Parliament continued sitting, his Majesty had no use for any further power, because if the danger should have approached nearer, or should have begun to appear more formidable, his Majesty could have immediately applied to his Parliament for further assistance; but as an end is soon to be put to this session of Parliament, as even the Parliament itself will probably soon be dissolved, the danger may become more imminent, it may become more formidable before the next Parliament can meet; and as his Majesty cannot, in that case, immediately apply to Parliament for further assistance, therefore, as he always has the quiet and safety of his people much at heart, he thinks himself obliged to ask for some conditional powers, in order that he may be enabled, during the interval of parliament, to do that which the Parliament, if it were sitting, would most certainly enable him to do as soon as he thought fit to apply for the same; that is, to make such further augmentation of his forces, either by sea or land, as may be absolutely necessary for the honour and defence of his kingdoms, and to concert such measures as the exigency of affairs may require.—If the danger, my Lords, had become, or were now more imminent or more formidable than it appeared at the beginning of the session, his Majesty would certainly have applied for an immediate augmentation of his forces both by sea and land, and for a provision's being made by Parliament for that purpose; and in such a case whatever had been done by Parliament must have been done by way of Bill; but as there is no necessity for an immediate augmentation, his Majesty, willing to put off as long as he can charging his people with any new expence, only desires a power to make that augmentation, in case it should become necessary at a time when he cannot possibly have the immediate assistance of his Parliament. This, my Lords, I must think extremely reasonable, nay even absolutely necessary, considering the present state of the affairs of Europe, and therefore I cannot refuse my consent to the proposition made to us.

Then the question being put upon the duke of Newcastle's motion, it passed in the affirmative.

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Protest against the King's being im-

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powered to augment his Forces by Sea and Land, during the Recess of Parliament.]

" Dissentient'

" Because we are of opinion, that no free people should on any occasion whatever, vest in any person an unlimited power for an indefinite time; and whenever they do, they at the same time resign their liberty. —— *(Signed)* Abingdon, Cobham, Bristol, Marchmont, Burlington, Litchfield, Willoughby de Broke, Gower, Clinton, Northampton, Strafford, Aylesford, Bathurst, Chesterfield, Carteret, Berkshire, Oxford and Mortimer, Montrose, Weymouth, Shaftsbury, Graham, Boyle, Stair, Ker, Coventry, Montjoy, Foley, Thanet, Bedford, Tweedale, Cardigan, Craven, Winchelsea and Nottingham."

" Dissentient'

1. " Because we conceive an address of this kind, impowering the crown to raise men and money, without specifying the numbers or the sum, is unwarranted by any precedent, and is of the most dangerous consequence, for it seems to us totally to subvert the very foundation of our constitution, the wisdom of our ancestors having provided many regular steps and solemn forms, for granting supplies to the crown; whereas this new method of a sudden address upon a message, at once frustrates and eludes all those wise and ancient precautions.

2. " Because the history of several countries, formerly free, furnishes us with many fatal examples of the abuse of such unlimited powers, whenever the estates of those countries have transferred the legislative authority, of raising money, from themselves, by an ill-placed confidence, into the hands of a few. The Cortes of Spain, by trusting the power of raising money, without their being assembled, though for but one year, and the estates of France, by allowing the aids for the defence of that kingdom, to be raised for three or four years together, without their being summoned to meet, have never been able to retrieve their antient liberties and constitution; but by their weak compliance with such a fatal measure, were the unhappy instruments of rendering themselves useless, and of enslaving their respective countries.

3. " Because, though we have all possible confidence in his Majesty's wisdom and justice, and all imaginable zeal for the honour and support of his person and government, we cannot approve of a Message, which, we are persuaded, was both formed and advised by the same ministers, in whom those extensive and discretionary powers are lodged by this Address; and we see no reason, from any experience of their œconomy, to trust them with the arbitrary disposal of an unlimited sum; and as little reason, from the success of their former alliances, to give any approbation to past treaties, which have never been communicated to this House, or a previous sanction of any future treaties they shall contract; especially since, by their multiplicity of negociations, they have involved the nation in engagements with divers foreign powers, inconsistent, as we conceive, with one another; and, in so great a variety, as we can by no means be sure that the best will be singled out to be fulfilled.

4. " Because the present unfortunate situation of the affairs of Europe cannot be represented as unforeseen, or unexpected; since, from the gradual progress of our negotiations for some years last past, the gradual increase of the disorders and confusions in Europe has constantly been foretold. We therefore conceive, that had there not been some secret reason for proceeding in this manner, which reason we will rather pass over in silence than attempt to point out, the necessary demands of men and money would have been laid before the parliament at the beginning of the session, according to the ancient and regular usage, and which would as certainly have been granted by a parliament, which has distinguished itself by a remarkable zeal, duty and liberality to the throne.

5. " We cannot think it prudent, in order to extricate ourselves out of our present difficulties, to lodge those unlimited, and, as we apprehend, dangerous powers, in the hands of those very persons under whose management and conduct these difficulties have been brought upon us; if, as we conceive, the national debts are hardly lessened by more than twenty years peace; if our successive fleets have proved a terror to no nation, and but only a burthen to our own: if our great armies have disturbed the minds of none but his Majesty's own subjects; this extensive power of raising money, fleets and armies, seems to us improperly intrusted in the hands of those ministers, who have made no better use of the confidence already reposed in them.

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6. "We would, with the utmost zeal, concur in whatever might increase to his Majesty the affections of his people at home, or the respect of his neighbours abroad: but this zeal without knowledge, we think, can tend to neither of those desirable ends, but, on the contrary, rather bring contempt, as we apprehend, upon the too easy and implicit faith of parliaments, than add weight and dignity to those powers we lodge, without any visible reason, in the hands of the ministers.——

(Signed,) Gower, Litchfield, Bathurst, Chesterfield, Foley, Bristol, Graham, Winchelsea and Nottingham, Tweedale, Stair, Clinton, Shaftsbury, Bedford, Berkshire, Northampton, Thanet, Craven, Cobham, Aylesford, Montrose, Oxford and Mortimer, Marchmont, Strafford, Carteret, Ker, Coventry, Montjoy, Cardigan, Weymouth, Willoughby de Broke, Boyle."

Debate in the Commons on a Message from the King to be empowered to augment his Forces by Sea and Land during the Recess of Parliament.] On the same day, sir Robert Walpole presented a similar Message from the King to the House of Commons [See p. 520.] A Motion being made by sir Robert, for taking the said Message into consideration the next day,

Mr. *Shippen* stood up, and said:

Sir; When I reflect upon what happened in this House the very first day of this session, I am a good deal surprised at a Message of this nature; and the more, that it is now brought in upon us at the very end of a session, and that session, I suppose, the last of a long parliament. I remember that I, as well as some other gentlemen, took exception, [See p. 189] at some words proposed to be in our address, in answer to his Majesty's speech from the throne at the opening of this session, because they seemed to bear something like a promise of a Vote of Credit; upon which occasion the honourable gentleman who has made you this motion, and his friends, pretended to be greatly astonished at our sagacity, and seemed, as I then thought, to give us assurances that nothing of that kind should be asked for in this session.—I must confess, Sir, I had some sort of dependance upon what they said, but as they were only the words and promises of ministers of state, in which I never had any great faith, I begin now to be ashamed even of that little confidence I put in them. I do not know indeed but they may now find an excuse for their breach of promise in this respect; for I must grant that what they now ask for is not properly a Vote of Credit, it is an absolute surrender of all we have in the world. This, indeed, is laying the ax to the root of the tree, and may prevent our being ever troubled with any demands for the future: but as this is an affair of the greatest consequence to the whole nation, as well as to the gentlemen now in this House, I hope some longer time will be given to gentlemen to consider of such an extraordinary demand, before they be obliged to determine what they are to do; for if they once agree to such a grant, it may be generously and voluntarily restored, but it will never be in their power to resume it.—When we come to take the Message into our consideration, I don't doubt, Sir, but the honourable gentleman who brought it will not only give us the reasons, why it became necessary for his Majesty to send us such a Message, but why it was so long in being sent; therefore I shall not till then so much suspect his candour, as to think there was any unfair design in delaying it till so many gentlemen are gone into the country: but as it has been so long delayed, I hope some few days will be granted before we take it into consideration, that some of those gentlemen may have time to return: I shall not pretend to name any day; but if the honourable gentleman will be so good as to withdraw his motion, I doubt not of some other gentleman's rising up to propose some more distant day.

Sir *Robert Walpole* replied:

Sir; I have not forgot what passed in this House the first day of the session: I remember that some gentlemen did then take exceptions to some expressions in the Address proposed, as if a promise of a vote of credit was couched under these expressions: and upon that occasion I might for once take the liberty to assure the House, that no such use should be made, or was intended to be made, of any expression then proposed to be put into our Address. This, I remember, was what I said, and I said no more: nor can I believe that any more was said by any gentleman in this House; for as the necessity of demanding votes of credit depend upon future events, it would have been ridiculous

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for any gentleman to have pretended to have promised, that no such thing should be desired. As to the Message itself, it is not now proper to enter into the merits of it, or into the causes which have produced it; but in all the time I have had the honour to sit in parliament, I remember no instance, where a Message, signed by the King, has not been next day taken into consideration. This is a respect which has been always paid to the crown; and I am sure his present Majesty has never done any thing to merit less respect being paid by the parliament to him, than what has been paid to all his predecessors. I am persuaded, when we come to enter into the merits of the Message, there can be no reason found for making a distinction between this and the former messages of the like nature; and the necessity of sending it at this conjuncture will be made fully appear: therefore, as I have already moved, I hope the House will take it into consideration to-morrow morning.

Sir *William Wyndham* spoke next:

Sir; I must own my surprise is as great as my worthy friends, that a Message of this nature should be sent to this House so near the close of this session; for whatever promises were or were not made the first day of the session, I am very sure most gentlemen expected that every thing of consequence had been over long before this time; and upon this general presumption, a great many gentlemen, who have not the honour to be let into ministerial secrets, are gone into the country; it being at present more necessary, perhaps, than usual, for such gentlemen to return to their respective countries, in order to prevent their being bought and jobbed out of that natural interest by which only they can expect to enjoy the honour of representing their country in parliament. But however necessary their presence may be at this time, yet if time be allowed them, I doubt not but most of them will think it their duty to return to the service of their country in this House, when they hear that a matter of so very great importance is to come before us; it is, I think, Sir, a matter of the highest importance; it is, as my worthy friend called it, an absolute surrender of our All, a surrender of the rights, and a delegating the power of parliament to the crown. This absolute power, it is true, is now demanded but till next session of parliament; but if it were not for the great confidence I repose in his present Majesty, I should be much afraid the next session would never be allowed to meet, unless upon the new election a majority of the members should appear to be such as would be ready to confirm, or to renew that surrender.—The honourable gentleman on the floor has told us, that it has always been usual to shew so much respect to the crown, as to take such messages as the present into our consideration the very next day, and that he remembers no instance to the contrary. It is true, Sir, since I have sat in parliament, I remember many, but too many, messages something of this nature; and I believe they have always been taken into consideration the next day; but that did not proceed so much from the respect we owe to the crown, as from the cause of sending the message: There never was a message of this kind sent from the crown, but when the nation was threatened with some such thing as an immediate invasion or insurrection, which in the body of the message was expressed to be the reason or cause of sending such a message; and as in such cases the near approach of the danger required the immediate concerting of proper measures to prevent it, we may suppose this was the chief reason of their being so immediately taken into consideration by this House. But as we are generally apt to improve upon bad precedents, I will be bold to say, there never was such a message sent to parliament as the present, either with respect to its nature, to the reason of sending it, or to the time of its being sent. By no message that was ever sent to parliament, was there an absolute and unlimited power demanded by the crown; which to every gentleman must appear, at first sight, to be the demand now made upon us: there was never such a message sent to parliament, but what informed us of some immediate danger impending, and just ready to fall upon the nation. By the present message we are told of no such thing; nor do I believe that any such thing can be pretended: and I remember no instance of a message any way resembling this, that ever was sent to this House the very end of a session, and that session the last of a parliament.—I cannot indeed, Sir, form to myself a reason why any such message should have been at all sent; and much less can I form a reason why it should have been sent at such a remarkable time; therefore I must think, that gentlemen will certainly expect to be informed by those who are able to inform them,

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what necessity there was for this message, and from what sudden, and, till now, unforeseen change in our affairs the sending of such a message has now become more necessary, than it was at any time during the former part of the session: but whatever may be told us as to this particular, considering almost that one half of the House are, for reasons we all know, retired to the country, in decency, I think, and out of regard to our own proceedings, as well as out of respect to the crown; whatever is to be done in consequence of this message, ought to be done in a full House. Whether you should order a call, or which may be a shorter and more effectual method, direct letters to the sheriffs, I shall leave to gentlemen to determine; but one of the two ought certainly to be done, unless the honourable gentleman who brought us the message, will rise up and inform us of some imminent danger we are now threatened with: and, even in that case, I think some few days ought to be allowed, that those gentlemen, at least, who are at no great distance, may have time to come up, and attend the service of the House upon this important occasion; otherwise it will look like stealing a resolution of the House, when gentlemen's backs are turned; which, I am sure, can testify no great respect to the crown. Sir, if we are really threatened with any immediate danger, I shall propose the taking of this message into our consideration on Monday or Tuesday next; and I am sure, let the necessity be never so pressing, let the danger be never so great, so short a delay can be attended with no great inconvenience; and whatever resolution you may come to, it will carry the greater weight, and will be the more effectual for obviating any impending danger.

Sir *William Yonge* answered:

Sir; I remember no promises or assurances given the first day of the session, other than those which the honourable gentleman by me has fully and rightly stated to you; and as no gentleman has drawn or I believe will draw any argument in favour of the present question, from any words or expressions in the address then agreed to, I do not think that either the promises then made, or the assurances then given, can have any relation to the present debate. But gentlemen are very apt, I find, to wander from the affair in hand: and in particular, the honourable gentleman who spoke last, has entered a good deal into the merits of the question, which I cannot think either proper or necessary at present; for, in my opinion, all that is now before us, is, whether we should take the message into our consideration to-morrow, or put it off for a longer day; and therefore I shall confine myself entirely to this, without anticipating your future debate with relation to the message itself. As to the question now before us, the honourable gentleman who spoke last owns, that he knows of no message from the crown that was ever sent to parliament, but was next day taken into consideration; and by this, I really think he seems to give up the question; but then he has endeavoured to make a distinction between this message and those formerly sent by the crown to parliament; whether any such distinction can be made or not, is, in my opinion, a question that cannot be resolved till we come to take the message into our consideration; and then, I believe every gentleman in this House will see that there is no material difference between this and former messages of the like nature. As to the time of sending this message, it is certain that the crown never does send such messages, but when some exigency of affairs, in a manner forces them to do so. It is always the necessities of state that obliges the crown to ask for any extraordinary powers from parliament; and whether the necessity for asking for such powers falls out early or late in a session, or in the first or last session of a parliament, seems not material. It is by the necessity there is for granting such powers, that gentlemen are to be induced to grant the powers demanded, and not by any consideration as to the time of making the demand: and as it cannot appear to us, whether the necessity for granting what is now asked for be urgent or not, till we have taken the message into consideration, as it cannot till then appear whether the shortest delay may not be attended with great inconveniencies, therefore the sooner it is taken into consideration, the better; for which reason I must think, that the motion made by the honourable gentleman near me, for taking it into consideration to-morrow morning, is a proper and a right motion: and whoever has a mind to shew us the contrary, will, I hope, confine himself to that only, without entering into the merits of the question.

Sir *John Barnard* spoke next:

Sir; The honourable gentleman who

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spoke last, has been pleased to find fault with my worthy friend by me, for entering, as he called it, into the merits of the question; but that gentleman ought to consider, that there is a very great difference between speaking to the nature of a question, and entering into the merits of it. My worthy friend spoke, indeed, as to the nature of the message now before us; and I would gladly know, from the honourable gentleman over the way, or any other, how it is possible to speak to the present question, as to the necessity of its being taken into consideration to-morrow, without explaining a little the nature of what is to be taken into consideration; but no gentleman has as yet entered into the merits of the message, which I take to be, whether it ought to be complied with or not? I hope neither the honourable gentleman, nor any other gentleman, will lay it down as an infallible and unalterable rule, that this House is to take every message immediately into their consideration that may be hereafter brought from the crown; and if we have any liberty in this respect, surely we must examine a little into the nature of the message sent us, in order to determine, whether we are immediately to take the message into our consideration, or defer it to a longer day. If upon the face of the message it had appeared, if his Majesty had thereby so much as insinuated, that the nation had been in any immediate dangers, I should have readily agreed to the motion now made to us; but as no such thing is insinuated, nor can, I believe, be supposed, I cannot think there is any necessity for our entering so immediately into the consideration of a question of so great importance: it may perhaps be the last question that can ever be taken into consideration by a legal and free parliament of Great-Britain; therefore, I think it extremely reasonable to give a few days to those gentlemen who are here to consider of it, and that those who are absent, at least such as are near the town, may have time to return.

Lord *Coleraine* spoke as follows:

Sir; Though a just sense of my inability to speak my mind here, in a manner worthy the attention of this august assembly, and becoming the character of a member thereof, heightened with the great awe that strikes me on every such attempt, has generally obliged me to bury in silence such thoughts as have occurred to me in the several weighty debates at which I have had the honour to assist, during the most part of this present Parliament; and content myself with attending to those that have expressed their own sentiments (sometimes not different from mine) with that becoming freedom and copiousness, that engaging propriety and eloquence, to which I dare not aspire; yet my disinterested love to my country, and a due regard to the great trust reposed in every one of us, will not permit me to be always confined within the safer limits of a simple negative or affirmative.—When we were called upon from the throne at the opening of this session, to grant, in regard of a distant war, larger supplies than have perhaps ever been known in time of peace, when on the seeming assurance so early given us by an honourable and knowing gentleman principally employed in the conduct of affairs both at home and abroad, we proceeded with such dispatch in providing for the public service recommended to our care, as to obtain, after little more than two months sitting (what must be ever grateful to every member of this House) his Majesty's thankful acknowledgments of our approved zeal and dutiful affection: then I say (and I believe I speak the sense of many) this expiring Parliament could have expected any thing as soon as to receive the honour of his Majesty's thanks accompanied (if not alloyed) with a desire that we would, with our last public breath, subject our countrymen to further unlimited, and perhaps unnecessary burthens, by delegating a power we are quickly to resign into the hands of the crown, which may be advised by its ministers to use it further than we could think it necessary or reasonable to do.—Thus we may indeed pay a compliment, not only to the crown and its minister, but even to their favourite embryo, the next approaching Parliament, by making ourselves answerable for the burthen of those forces, that may thus be raised, when we shall have no authority, as well as the ample supplies we granted while we had. But I cannot think this would be a just return to our electors, or a kind legacy to the rest of our fellow-subjects. Nay, it appears to me a very melancholy prospect, to look upon this nation as left still exposed to any such desperate attempts as may hazard our safety, when such supplies have been already voted and provided for, when the war is seated so far from us, our properest allies so much more immediately concerned in it, and the next Parliament in so great a forwardness to be

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elected and convened, to enable his Majesty to make such further augmentations by sea and land, as may become necessary for the honour and defence of his kingdoms.—I well remember, that when some gentlemen proposed at the beginning of the session, humbly to address his Majesty to let us know how far his good offices had proceeded with one or other of the contending powers, and what engagements, if any, had been entered into on his part: that enquiry was opposed, and we were given to believe that little or nothing had been engaged: but now we are told of engagements in honour and justice to be fulfilled, as well as others in prudence to be contracted. But I would yet hope, that without this extraordinary vote his Majesty's endeavours to procure an happy accommodation may be successful; and that the rather, because we are again told, that they are to be used in conjunction with his ally; and it does not yet appear, that our most natural, necessary, and interested ally against a powerful kingdom near us, is engaged, or willing to engage in behalf of their great neighbour, who they are said to have declared too hastily engaged in the quarrel. I think we ought not in prudence to be before-hand with that neighbour-state on this occasion, lest unawares we become principals in a bloody and expensive war, while they that are more immediately concerned, enjoy an increase of commerce, and wait the fruits of our blood and treasure.—For these reasons, I am against extending our own power beyond its just duration, and invading the rights of a succeeding Parliament.

Mr. *Plumer* stood up, and said:

Sir; I shall always be as ready as any gentleman in this House, to concur on all occasions in strengthening the hands of the crown in a proper manner, and when it shall appear necessary; but as the powers now demanded are of a most extraordinary nature, as the granting of them will certainly be a giving up in a great measure the power of Parliament for a time; if we are to make such a grant, I think it ought not to be precipitantly made. It ought to be done with the greatest caution, and in as full a House, as can possibly be had.—As to the respect we ought to shew to the crown, it has nothing to do with the present question: our respect to the crown, Sir, has nothing to do with this message, or any message that can come from the crown; for though they bear the King's name, yet, when we come to consider them, we are to look upon them as coming from the ministers, and we may treat them in such a manner as we think they deserve, without incroaching in the least upon that respect we owe to the crown. Are we to be told, that, out of respect to the crown, we must always take such messages immediately into our consideration? Sir, if this doctrine should prevail, we shall next be told, that, out of respect to the crown we ought always to comply with such messages; and then it will be in the power of the ministers to advise the crown to send such messages, as may be very dishonourable for the Parliament to comply with, nay, inconsistent with the real interest of the crown, however necessary for the purposes of the ministers at the time.—By the law of England, Sir, we know, that when a man is dying and about to make his will, if any real estate is thereby to be devised, the will must be made before three witnesses, which is a greater number than is necessary upon any other occasion: we are, Sir, a dying Parliament, and the crown now desires we should make our will, and leave them by way of legacy all we have in the world. If we are to do so, I think we ought to call, at least as many witnesses, as are usual upon most other occasions; and therefore we ought to delay the consideration of this message, till the absent members have time to return.

The question being then put, on sir Robert Walpole's motion, it passed in the affirmative, by 211 to 121.

March 29. The above Message from the King being taken into consideration;

Sir *Robert Walpole* stood up, and spoke as follows:

Sir; As I had the honour, to bring his Majesty's most gracious Message to this House, and likewise to move for your taking it this day under your consideration, I think it incumbent on me to offer what I judge to be proper, advisable, and even becoming this House to do upon it. The manner, Sir, in which his Majesty's speech was conceived, the difference that was observable in it from former speeches, the notice thereby given by his Majesty to parliament of the situation of affairs abroad, must have made every gentleman who heard it expect, that something of this nature might possibly come before you some time this session. His Majesty in that speech told us, that the war which had begun in Europe still continued; and

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though his Majesty then declared that he had no part, except by his good offices, in those transactions, which had been declared to be the principal causes and motives of the war, yet, I believe, there was not a gentleman in the House but supposed that his Majesty might possibly be obliged to take a share in the war, in order to prevent too much power's being thrown into one scale, whereby the balance of power in Europe would be overturned, and consequently every gentleman must have expected such a message as this, in case the tranquillity of Europe could not by way of negotiation be restored before the end of this session.

When gentlemen expect, Sir, to hear reasons given why this message comes now, and was not brought sooner, and seem to insinuate, as if this must proceed from some sudden and unforeseen change of affairs, all I can answer is, that we are now in the same situation we were in at the opening of the session; some little variation may perhaps have happened, but our circumstances are in general the same, and their remaining so is, in my poor opinion, a sufficient reason for his Majesty's making this application to his parliament, and for our coming to such a resolution as I shall by and by have the honour to move to you. If any extraordinary change had happened in the affairs of Europe, or with respect to our own particular circumstances, during the continuance of the session, his Majesty could immediately, and without any delay, have applied to his parliament for what was proper to be done upon such an occasion; but as the war still continues, no man can pretend to foresee what changes may soon happen, or how soon his Majesty, in conjunction with his allies, may be obliged to give assistance where the interest of this nation, and the preservation of the liberties of Europe may call immediately for it: And as this session of parliament is drawing towards a close, as this parliament may probably be soon dissolved, his Majesty will not then have the opportunity of applying immediately to his parliament for what may appear to be necessary for the defence of the nation, in case any change should happen during the interval of parliament, which makes it absolutely necessary to furnish his Majesty with such powers as are now asked for, before this session break up; and the furnishing him now with such a power, cannot be in the least more inconvenient for the nation than it would have been at the beginning of the session.

Ever since the beginning of this session, his Majesty in conjunction with other powers, has been endeavouring by negotiation to reconcile the jarring interests of the several powers now at war, and to restore the tranquillity of Europe; if these negotiations had succeeded, there would have been no occasion for this message, there would have been no occasion for putting this nation to any additional expence; and though these negotiations have not yet had the desired effect, yet his Majesty's proposals are not altogether rejected, which makes it still unnecessary to put the nation to any immediate expence; This shews his Majesty's tender care for his people, as well as the wisdom and integrity of those he is pleased to advise with upon such occasions: It shews how unwilling he is to put the nation to any extraordinary expence, as long as it can possibly be avoided; but the great concern his Majesty has for the peace and quiet of his people, and the uncertainty in which the affairs of Europe still continue, lay his Majesty under a necessity of thus desiring his parliament to strengthen his hands in such a manner, as that he may be able to provide against any the most distant dangers, with which this nation may happen to be threatened, after the end of this, and before the meeting of a new parliament.

If gentlemen will but consider the present circumstances of Europe in general, and of that nation in particular, from the situation of whose country we must always have most to fear, I believe the necessity of the motion I am to make will pretty evidently appear. France has now a large fleet assembled in one of those ports which lie nearest to this island: The ships are all fitted out, and almost ready to put to sea; and there are, as we are told, several thousand men ready to be shipt on board that fleet. I believe, Sir, there is nothing designed against us; but when we know that a large squadron of French men of war, with an army of six or eight thousand veteran troops, is to pass through the British channel, I should think one in the station in which I have the honour so unworthily to serve the crown, did his duty but very ill, if upon such an occasion he did not advise the taking of all necessary care, for putting the nation in a proper posture of defence.

I repeat it again, Sir, I do sincerely be-

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lieve that the nation is in safety, but I do not desire that the safety of the nation should entirely depend on my belief; I have, I think, good reason to believe, that the French squadron is designed elsewhere; but if from new counsels, from any jealousy groundlessly conceived, or any sudden change in their measures, that squadron should come this way, I must say, that in our present situation I do not know what the consequence might be; and therefore I must think, that those who have the honour to advise the king, have done their duty in advising him to make this application to parliament. Though we are not yet engaged in the war, though no power in Europe has yet openly declared against us, yet the present circumstances of Europe are such, the present circumstances of this nation are such, that, I believe, I might leave the question to rest wholly upon them; and I am convinced that no gentleman, who considers them impartially, can refuse agreeing to what his Majesty has, by his most gracious message, desired.

His Majesty is not willing to alarm any foreign power, by making an unnecessary augmentation of his forces either by sea or land; but he desires to have a power at least of providing against any unprovoked insults: he is resolved not to put the nation to any unnecessary expence; but he desires not to give them a mean opinion of this nation, by our not putting ourselves in such a condition as to be able to perform all our engagements to them. This is all the power his Majesty asks for, and this power, we may depend on it, will not be wantonly used, or used at all, unless the necessity of our affairs require it. From the whole of his Majesty's past conduct, from the conduct of those who have the honour to advise him, we may expect, that a backwardness, rather than a forwardness, will be shewed in putting the nation to any expence, or engaging it in any unnecessary broils.

His Majesty, Sir, desires only a power of providing what may appear to be absolutely necessary for the defence of the nation, during the interval of Parliament, when he cannot have their advice or assistance; with this assurance, that every thing that shall be done in pursuance of that power, shall be laid before next Parliament for their approbation: to them, he promises, that a full account shall be rendered of the temporary trust reposed in the crown. What danger then can there be in granting the power now asked for? Can it be presumed, that any minister will dare to make, or advise his Majesty to make a bad use of it, when so strict an account must be rendered to next Parliament, of every use that shall be made of it? Yet this is what gentlemen have been pleased to call a surrendering the rights, a delegating the power of Parliament to the crown, and laying the ax to the root of the tree. They have likewise been pleased to insinuate, as if it were the servants of the crown that desired to have more power granted to them. Sir, as I am one of the servants of the crown, I can answer for myself, that I desire no power; I know the danger too well of making use of any power, but that which has the sanction of Parliament; and whenever I am entrusted with any such power, I shall always be ready to account to Parliament for the use I make of it.

It is true, Sir, the powers now asked for may occasion a further expence to this nation; but whatever expence may, in pursuance of such powers, be incurred, does not his Majesty, in the message now before us, promise that it shall be fully and particularly accounted for to next Parliament? And if any part of that expence shall appear to have been unnecessarily incurred, may we not expect that the next Parliament will severely punish those who have been the authors of such unnecessary expence? There is nothing contained in the message, which can in the least tend to excuse those who shall dare to give such wicked counsel to his Majesty; and in the motion I am to make, I shall endeavour to express myself in such a manner as to obviate any objection that can be made upon that account. His Majesty desires only a power to make such further augmentation of his forces, either by sea or land, as may be absolutely necessary for the honour and defence of his kingdoms, and to concert such measures as the exigency of affairs may require; and when we see his Majesty expressing himself so cautiously in the message he has been pleased to send us, can we suppose that any minister will be hardy enough to advise him, or that he will allow himself to be advised to put the nation to any expence that shall not plainly appear to be absolutely necessary?

Now, Sir, let us see whether the message now before us, or the powers that are thereby demanded, are so extraordinary or so unprecedented as some gentlemen have been pleased to represent? Though

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I am no great master of precedents; though I never look into them but when I have immediate occasion for them, yet I have got three or four in my hand, which I take to be exactly parallel to the case now before us. In 1702, her late Majesty queen Anne sent a message to this House, acquainting them with the then situation of affairs abroad; and upon that message this House, by an Address, gave her Majesty the same sort of powers as are now asked for. In 1715, his late Majesty sent a message to this House, acquainting them of the danger the nation was in from insurrections at home, and likewise from intended invasions from abroad, in favour of the Pretender; and the very same powers now asked for were granted by an address of this House to his late Majesty. In 1718, during the Spanish war, that power was again renewed to his late Majesty; and in 1725, the same powers were again given to the crown, both in the same method: therefore it cannot be said, that what is now proposed is either new or unprecedented. It is what has often been practised, and what must always be practised, when the nation happens to be threatened with any danger.

I am afraid, Sir, I have already taken up too much of your time, and therefore I shall now add no more; but if any material objections be made to what I am to propose, I hope that the House will again indulge me to make such answers to them as I may then think of, or that some other gentleman, who may perhaps be of the same opinion with me, and better able to answer such objections than I am, will rise up and do it: therefore I shall only beg leave to make you the following motion; That an humble address be presented to his Majesty, to declare the duty and fidelity of this House to his Majesty, and the entire confidence which they repose in his royal care and endeavours, for the security of his kingdoms, and for restoring the peace of Europe; to express the just sense they have of his Majesty's attention to the true interest of his people, in previously taking the advice and concurrence of this House at this critical conjuncture, in order to make the necessary provisions against any emergencies arising from the present posture of affairs in Europe, especially during the interval of Parliament; to desire his Majesty, to make such augmentation of his forces by sea and land, as his Majesty in his great wisdom shall judge necessary; and to concert such measures, as the exigency of affairs shall require; this House not doubting, but that his Majesty will find, that his faithful Commons will at all times, when the accounts shall be laid before them of the extraordinary expences incurred by his Majesty for the honour, interest, and defence of his kingdoms, effectually enable his Majesty to answer and make good the same.

Mr. *Shippen* replied:

Sir; I am glad to find that the honourable gentleman has now discovered a meaning in his Majesty's Speech at the opening of this session, which he could not, it seems, discover the first day of the session: he was, or pretended, at least, to be so far from discovering at that time any such meaning in his Majesty's Speech as he has now shewn to us, that he seemed very much surprised any gentleman should have the least apprehensions of such a meaning. I, as well as several gentlemen round me, remember well the gentleman's very words upon that occasion; I remember, when I intimated then to the House my fears, that some such thing as a vote of credit was intended, he said, he believed no man alive but myself could dream of any such thing; but now we are told, that from his Majesty's manner of expressing himself upon that occasion, every gentleman in the House must have expected a demand of such a nature as what is now before us: I did indeed, from what his Majesty said, expect a demand for a vote of credit; but I little expected that that demand would have been attended with such other extraordinary demands as are contained in the message now under consideration.

As no sufficient time has been given, Sir, for gentlemen to consider of this extraordinary demand from the Crown, as no information has been given us by the honourable gentleman who spoke last, from whom I believe every gentleman in this House expected a full information, with respect to the reasons the crown may have for making such a demand; gentlemen, like me, who are kept at a distance from the secrets of the administration, have no way left to judge but according to what appears upon the face of the message; and from thence I must judge, that the demand now made us is entirely new, and very extraordinary. As I said before, it is a demand for a total surrender of all the rights of parliament; for we are now, it seems, to give the king a power of raising

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what money he pleases; we are to give him a power of raising what military force he pleases without consent of parliament: are not these the two rights, upon which all the other rights of parliament depend? Is not the controul we have over these two the only handle by which we can, or dare vindicate any other right that belongs to us? And after the surrender of these two, can it be said that we have any right, or at least, that we dare claim any right, but such as the crown shall vouchsafe from time to time to allow us?

The honourable gentleman, Sir, by way of introduction to his motion, was pleased to say a great deal in justification of the message, and of the powers thereby demanded; but I think the substance of what he said may be reduced to these three heads, That it is necessary for us to grant those powers, That the granting of such is neither new nor unprecedented, and that they may with safety be granted to the crown: every one of which propositions I must deny, and I think I have good reason for so doing. The gentleman indeed spoke to us yesterday of the necessity of sending such a message, and I was in hopes he would have this day endeavoured to have made that necessity appear: but this is so far from being the case, that, I think, he has rather shewn the contrary.

Whether the powers now asked for be unprecedented or not, it is certain, Sir, they are extraordinary, and therefore ought never to be granted but when the nation is in imminent danger, or in cases of the utmost extremity; and for this reason I did expect we were to have been told this day, that the nation was immediately to be invaded by some foreign power, or that some dangerous plot had been discovered; and I expected this the more, because the short time that was asked for taking this affair into our consideration was refused. However, now I find it is quite otherwise, the gentleman himself says, he believes the nation to be in safety, but does not desire its safety should depend on his belief. In this, Sir, I agree with him, I really do not desire, that the safety of the nation should depend upon his belief; and I believe it would be happy for us if it did not depend upon his administration. Though at first he seemed willing to terrify us with the French squadron, yet at last he told us he believed it was designed elsewhere, but new counsels, groundless jealousies, sudden changes might bring them this way. For God's sake, Sir, are gentlemen serious when they talk at this rate? Are we to come into such extraordinary measures, are we to vest an absolute power in the crown, because from new counsels, from sudden changes, the nation may be in danger? If this be a necessity for our agreeing to what is now proposed, will not the same necessity always prevail? are we not in as great danger from new counsels and sudden changes, when our neighbours are all at peace, as when they are all engaged in a bloody war, and courting us either for our assistance or for a neutrality? Nay, for this reason, I think we are now in greater security than we can ever propose to be in time of the most profound tranquillity; and therefore if we now agree to grant such powers, and in so extraordinary a method too, I shall expect to see them demanded from us every session of parliament for the future: I shall never expect to see them refused.

I say, Sir, in such an extraordinary method too; for suppose it could be alledged we should probably be exposed to some great danger, in a month, or six weeks hence, which might make it necessary to grant such powers to the crown; yet that would be no reason for doing it in such an extraordinary manner: we would, in such a case, have time to do it in a regular parliamentary way, and wherever that can be done, it ought, without doubt, to be done. There can be no reason, there can be no excuse, for thus leaping over all the forms and methods of proceeding in parliament, but when the danger is so near at hand, that the providing against it cannot admit of such delays. The honourable gentleman says, our circumstances are much the same now they were at the beginning of the session; therefore if we are now in danger, we were then in the same danger. Why then were we not then made acquainted with it at that time? If we had, we could have provided against it in a regular manner. But suppose that we had then done it in this irregular manner, does the gentleman think, as he pretends, that there is no greater inconvenience in lodging an unlimited power in the hands of the crown at the beginning of a session than at the end of it, or perhaps at the end of a parliament? The contrary is evident; while the parliament continues sitting after such a power granted, they will nevertheless be a check upon the use of that power; they may recall it before it be too late: but when an expiring session, much more an expiring parliament, grants

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such a power, it may, before the next session, or the next parliament is allowed to meet, be extended beyond controul.

The honourable gentleman told us, Sir, that there have been negotiations on foot, that there are negotiations on foot; it is true, they have not, he says, yet had the desired success, but neither have they been rejected: That his Majesty is willing to wait the result of these negotiations, being resolved to delay putting his people to any expence, as long as it can be avoided. Upon this he applauded his Majesty's tender care for his subjects, and took care to assume great merit to himself in advising this delay. Let us suppose, Sir, this parliament dissolved; suppose these negotiations actually rejected; surely we cannot suppose any power in Europe so mad, or so unjust as to attack his Majesty for endeavouring to reconcile the differences between them and their enemies; and it is impossible to suppose that the affairs of Europe can upon the rejecting of such negotiations take such a sudden turn, as may inevitably oblige his Majesty to declare of one side or the other, before it be possible for the new parliament to meet: This, I say, is impossible to suppose; and it is as impossible to suppose that any of the powers now engaged in war will attempt to invade or insult this nation till his Majesty has openly declared against them. The gentleman says, that his Majesty has all along endeavoured not to give any just cause of alarm to any foreign power, nor to disoblige any ally: I am afraid if we disoblige any power in Europe, we must disoblige an ally. However, as his Majesty has, during the session of parliament, been so cautious, it is not to be doubted but that he will continue to be as cautious, during the interval of parliament: So that upon the whole, I must think, that every thing the honourable gentleman said tended to prove, that we are not at present under the least necessity of granting the powers demanded.

Now, Sir, give me leave to examine the precedents the honourable gentleman was pleased to mention, and which he said were exactly parallel to the case in hand. I do not know, indeed, but from the four cases he mentioned taken jointly we may make up some sort of precedent for the present; but I am very sure that no one of them, taken separately, is any way parallel to the present. As to that in 1702, it is quite different from this, both as to the manner of sending it, as to the time of its being sent, and as to the powers that were either asked or given: As to the manner of sending it, it appears, that that great and good princess queen Anne, in the very message which she sent, acquainted the House, that she had commanded the several letters and representations passed between her and the States General, upon the subject matter of the message, to be therewith transmitted to the House. So far was she from desiring her parliament to grant, only because she thought fit to ask; that on the contrary she laid the whole of her foreign transactions before them, and thereby made them judges of what ought to be done upon that emergency: and I must say, Sir, it would be no discredit for the best and wisest of her successors to imitate her royal example in this, as well as in most of the other measures of her glorious reign.

Then, as to the time of sending that message, we were then actually engaged in the war, and one of our allies was in the most imminent danger of being swallowed up by our most inveterate enemy; an enemy, who but a little before had put the greatest affront upon this nation, by setting up a Pretender, and acknowledging him in the most public manner as the only rightful king of these realms. It was not then said, that we or our allies might, from new counsels, and sudden changes, be in danger. It was said, it was not only said, but shewn to the House in the most authentic manner, that one of our allies was actually then in imminent danger. And further, Sir, that message was not sent to the House at the end of a session, and after most of the members were gone to the country; it was sent in the very middle of the session, and at a time when it must be supposed that the House was full.

But as to the powers then demanded or granted, I am surprised to hear it said, that that case is parallel to the present. Sir, her Majesty asked no powers; she only told, and shewed the House, what her allies desired and prayed; but she did not pretend by her message to direct the House what they were to do: she did not desire them to do any thing, but only said, she doubted not but they would take such measures upon that occasion, as might be most for the honour and advantage of her Majesty, the safety of her kingdoms, and the necessary support of her allies: and in consequence of this what was done? This House was very far from granting to her Majesty a power of augmenting her

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forces both by sea and land, as much as she pleased: a power of raising and keeping up in this nation as numerous an army as she pleased; a power of running this nation in debt as much as she pleased; a power of entering into, and concluding whatever negotiations or treaties she should think proper. No, Sir, they only told her, that, if her Majesty should think it necessary to enter into any further negotiations for encreasing the forces which were to act in conjunction with the forces of the States-General, that House would enable her Majesty to make good the same: And even to this so particular, this so much limited grant, they added this express condition, that England should not be charged with the pay of such additional troops, but from the day when a stop should be made by the States-General to all correspondence, trade, and commerce with France and Spain. But this condition, Sir, was never performed; the additional troops were taken into our pay, but no such stop was ever made by the States-General: which shews how little we ought to depend upon the conditions annexed to, or implied in any grant we make, or in any power we give.

As to the Messages sent to this House in the years 1715 and 1718, they are very far from being precedents for the present. At the time of the first, there was an insurrection in a manner actually broke out and an invasion expected; the nation was then in imminent danger, the government was exposed to the danger of being immediately overturned. This the king, in his message, acquainted the House of; and this was the reason for their coming to the resolution they then did; but even in that time of imminent danger, this House neither was desired, nor did they condescend to grant to his late Majesty, such extensive powers as are now demanded and proposed to be granted: they desired his Majesty, indeed, to augment his forces both by sea and land; which, considering the small number of regular forces we had then in the kingdom, was much more reasonable, than the same power can now appear to be, even suppose we were threatened with the like danger; but it was not then so much as desired, that the House should beforehand approve of all the negotiations and treaties, which his Majesty, or rather his ministers, should think proper to enter into, or to conclude: and the power then granted to his Majesty was the less dangerous, because neither the parliament, nor the session of parliament, was then drawing towards a close; but on the contrary, his late Majesty was so good as to continue the same session of parliament, till the danger the nation was threatened with was entirely over: so that the parliament had at any time an opportunity, and certainly would have put a check to the ministers of state, if they, or any of them, had attempted to have made a wrong use of that power which the parliament had granted to his Majesty. The powers granted in 1718, were granted for the same cause. His Majesty, in his speech, acquainted his parliament, that the nation was in danger of being invaded by a foreign power; and it actually would have been invaded, if the Spanish fleet had not met with a disaster at sea; so that neither of these cases can be any way considered as parallel to the present.

It is true, Sir, the other precedent, quoted by the honourable gentleman, may be looked on as some way parallel to the present: we were then in a sort of a state which I cannot give a name to; it was neither a time of war nor a time of peace; but I do not remember it was so much as pretended, that the nation was threatened with imminent danger; yet we then did somewhat like what we are now desired to do: we granted away millions, for aught we knew, in the dark, without any cause or reason assigned. But I must observe, Sir, that that message happened since the honourable gentleman's return to power, and therefore may be supposed to have been advised by the same persons, and to have proceeded from the same councils with the present; yet they were a little more modest at that time. It could not be then properly said, that the nation was in a state of absolute tranquillity; yet nevertheless the honourable gentleman was so modest, as to ask only for a power to make an addition to the number of seamen, and to negotiate and make treaties; he did not so much as ask for a power to raise, and keep up in this nation, in a time of peace, whatever number of land forces he might pretend to think necessary. Thus we see the honourable gentleman improves upon his last precedent; and it is natural to suppose he will likewise improve upon this; therefore, if all the powers now asked for, be granted, as I do not know any other power his Majesty can want from his parliament, but that of making laws, I shall expect that, besides

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the powers now asked for, there will be, in the next message from the crown, a demand for impowering his Majesty to make or repeal, continue or suspend, alter explain or amend such laws, and in such manner, as he shall think absolutely necessary for the safety of the nation. This, I say, is the only further grant that is necessary for us to make, in order to establish, by a resolution of both Houses, the absolute power of the crown; and with respect to the liberties of the nation, I think it is much the same, whether we grant this power to the crown, or put the crown in a capacity of assuming it whenever they have a mind, which will certainly be the consequence of the resolution now proposed.

This, Sir, naturally leads me to the other doctrine, which the honourable gentleman has endeavoured to establish; that we may with safety grant to the crown, the powers now asked for. As to his present Majesty, Sir, he is a prince of so much goodness and wisdom, and is endowed with so many noble and princely qualifications, that we may safely not only trust him with the powers now demanded, but we may surrender, and lay down the whole of our rights and liberties at the foot of the throne; but as this would be a most dangerous precedent and might be made a most wicked use of in times to come; the same wisdom and generosity, which makes it safe for us to put so much trust in his present Majesty, would render persons capable of so much mean and low complaisance, most despicable in his Majesty's eyes. He might justly say of us, what the Roman emperor said of that senate, which was so complaisant as to refuse nothing he asked; 'O Homines servire paratos!' And his Majesty would have as much reason to be quite tired with our fawning complaisance, as that emperor is by the historian represented to have been with the fawning complaisance of the Roman senate. We all know, Sir, how difficult it is to refuse to the king upon the throne those favours or powers which have been granted to his predecessor; and therefore it has always been the established maxim of every honest man, who had a seat in either House of Parliament, not to grant to a good king those powers, which a bad king might make an ill use of; and surely, if a bad king were trusted with a power of raising land-forces at discretion, he might easily turn it to the utter subversion of all the liberties and privileges of the people of this kingdom.

But with respect to the powers now asked, our safety is, it seems, to be secured by this; that a particular account is to be rendered to next parliament of whatever may be done, and of all the additional expence that may be incurred, in pursuance of these powers. Sir, I have been so often deceived by ministerial promises, and experience has so fully convinced me, that we are never to expect any such account in a fair and regular manner, that I have no faith in, nor dependance upon such promises: both I and other gentlemen have often called for such accounts, but we have always been told, that either matters were not ripe for laying such accounts before parliament, or that the secrets of the government were not to be revealed; and the highest satisfaction we could ever get upon such occasions was to be told, that the expences had been necessarily incurred on account of foreign and secret services: it has always been pretended there was a necessity for such expence, but the parliament was never to be let into the secret from whence that necessity arose; we are always, it seems, to believe so, upon the bare word of our honest and wise ministers; and I am very apt to believe that the same confidence and resignation will be required from the next parliament.

The gentleman said, he might leave the question to rest wholly upon our present circumstances: It may be so, Sir, but I wish he had told us what these circumstances are. He said they were the same they were at the beginning of the sessions; not altogether the same; they were the same in general, but by time, and variations in foreign councils, an alteration might be made in them. I must say, Sir, the House is very much obliged to the honourable gentleman for giving us so much satisfaction; and from this intelligence we shall certainly be able to give our friends in the country a most satisfactory account, and a most convincing reason for what what we have done. It is true, they have been made believe that they are to pay but two shillings in the pound Land-Tax, but we can tell them that the honourable gentleman gave us so particular an account of our circumstances, and of the danger the nation was exposed to, that we thought proper to leave it to his discretion, whether the nation should be charged with six shillings, or perhaps with nineteen shillings in the pound Land-Tax; and by his past conduct

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the nation is so fully convinced of his wisdom and sincerity, that they will certainly approve of what we have done.

Sir, I have troubled you too long; I think I have shewn that the resolution proposed is neither necessary nor safe, nor founded upon any precedent: But quoting of precedents signifies nothing; suppose there were precedents exactly parallel to the present case, it would be no argument for our agreeing to what is proposed. There are but too many precedents which resemble it a little; it is now high time to put a stop to the practice, and I am sure it will be much more for our honour to make a precedent where such a demand has been refused, otherwise the thing may come to be familiar: It may become an usual custom to vest the crown with such a power at the end of every parliament; so that all our succeeding parliaments may come to be chosen under the influence of absolute power, and neither the honourable gentleman, nor any of his successors in office, needs desire to do any thing without the previous sanction of parliament; for it is not to be supposed that a parliament chosen under the influence of arbitrary power, will ever refuse their sanction, when the minister for the time being pleases to demand it; in which case, I believe, every gentleman will agree with me, that the parliament will be altogether useless, it will serve for nothing but to make our ministers the more daring, and the oppressions of the people the more grievous; and therefore, Sir, I am against the question.

The Honourable Mr. *Digby* spoke as follows:

Sir; The honourable gentleman who opened this debate has, in my opinion, made as artful a speech in favour of arbitrary power as ever I heard made any where, and has said a great deal more in favour of such a government than ever I expected to have heard within these walls. I will not easily admit, Sir, that we are ever to trust the crown with such extensive powers as are now demanded; but surely if we are ever to do any thing like it, if we are ever to vest in the crown any extraordinary and unusual powers, it ought to be in a case of the extremest necessity, and even then we ought to do it in the most deliberate way that the circumstances of the case can admit of, and not till after the case has been fully explained, and the necessity made clearly to appear to us. Had we been informed of our danger in the beginning of the session, what is now proposed might have been done; but then it might have been done in a regular way, and might have passed through all the forms of parliament; by which means the other House might have had an opportunity of putting a negative upon it, which they ought to have by our constitution; and every gentleman of either House of Parliament might have had an opportunity of examining into the merits of the question, and of giving his opinion upon it; whereas now we are in a thin House, and without any concurrence of the other House, to give up by a single vote all the rights of parliament, and, for aught we know, to put an end to all parliaments.

The honourable gentleman has told us, that during the former part of the session of parliament his Majesty did not make this application, because the danger had not become so great as to make it necessary for us to put ourselves to any immediate additional expence, but that after the session is broke up, or this parliament dissolved, some change may happen which will make such expence necessary; and as his Majesty cannot then have an opportunity of applying to his parliament, therefore it is necessary to furnish him with such powers as are now demanded. Sir, I would be glad to know from that gentleman, or any other, what necessity there is for this session's breaking up so soon; or if there is any necessity for dissolving this parliament in a few days? Our time does not expire till October next; and however necessary our presence may be in the country, if the nation be in any danger, if there be any reason to suspect, that the nation may soon be in danger, I am sure every gentleman will think it his duty to remain in town, or to return to town, in order to attend the service of his country in parliament. If we have now really any thing to fear from the French squadron, and that I think is the only danger I have heard so much as insinuated, all apprehensions from that squadron must be over long before that time; nay, I do not know but if the few days that were asked yesterday for taking this message into our consideration, had been granted, the danger from that squadron might have been over before we had come to consider of that danger, or how to provide against it; and this perhaps was the chief motive for refusing so short and so reasonable a delay: for if that squadron had been sailed

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elsewhere, the gentlemen would have been stript of the only argument I have heard them make use of for persuading us, or rather for terrifying us, into the granting of an absolute power to the crown.

The honourable gentleman told us, that his Majesty desired not to give our allies a mean opinion of this nation, by our neglecting to put ourselves in a condition of making good all our engagements to them. Sir, I do not know what engagements we may lie under, or who are our present allies; for I think all the powers of Europe have lately been our allies in their turns: but for this very reason, Sir, I am against what is now proposed. I am for giving our allies, whoever they may be, a good opinion, not only of this nation, but of his Majesty's government, and therefore whatever may be necessary to be done for putting ourselves in a condition to make good our engagements, I am for its being done in a full House, and in a regular parliamentary method. Can any gentleman imagine that our allies, especially the Dutch, if they be our allies, are ignorant of our constitution? No, Sir, they are perfectly acquainted with it; and therefore if we should grant such powers as are now demanded, or make any other sort of provision, in a full House, and in the regular parliamentary method, we cannot doubt of its having greater weight with our allies, than a resolution or vote thus obtained by surprise at the end of the session, and after most of the gentlemen are retired to the country. Such a method of obtaining the approbation of parliament must necessarily give them a mean opinion at least of our government, and must contribute to the rendering his Majesty's endeavours for restoring the peace of Europe of little or no effect.

Besides, Sir, by the proposition now made to us we are really going to do what our allies know we cannot do: we are not only going to delegate the power of parliament to the crown, but we are going to promise that a future parliament shall approve of whatever may be done in pursuance of that power so delegated to the crown. Does not every one of our allies know that no parliament can make such a promise? Does not every man know that no parliament has a right to surrender the liberties of the people, or to delegate the power of parliament to the crown? And can we imagine that any potentate in Europe will have any great dependance upon the powers or promises which are granted by those who had no right to grant any such? But suppose we had a right to grant the powers now asked for, that right is certainly never to be made use of but when the nation is in the most imminent danger; and as I can see no pretence for saying the nation is now, or is like to be, in any such danger, nor have heard any other reason for asking the powers now proposed to be given, I must suspect that they are asked for purposes that cannot be openly avowed, and therefore I shall give my negative to the question.

Mr. Gibbon spoke next against the motion, who was answered by Mr. Henry Pelham, to whom Mr. Palmer replied; then

Mr. *Horatio Walpole* spoke as follows:

Sir; Gentlemen have been at a good deal of pains to make out a difference between the precedents that have been mentioned and the case before us; though I think with very little success: there never was yet a precedent for any proposition or determination so exactly parallel to the case in hand, but ingenious gentlemen might find out some minute differences; yet precedents, where no material difference could be shown, have always been allowed to be good authorities for what was proposed to be done; and in the present case I do not find that with all their ingenuity they have been able to shew any material difference between the precedents mentioned and the proposition now made to us. The two material points now under our consideration with respect to precedents are, Whether it has not been the practice of parliament to grant extraordinary powers to the crown in the time of danger? And in what method those powers have been granted? These, I say, are the two chief points, and as to both of them every one of the precedents mentioned appears to be as exactly parallel as any one case can be to another.

But, Sir, I will endeavour to point out to the honourable gentlemen one very material difference between the message now before us, and all the other messages that have formerly come from the crown, and it is this; in the present message his Majesty expressly promises to lay a full account of whatever expences may be incurred before the next parliament, which is a piece of condescension that was never made by the crown in any former message sent to parliament; this is indeed a material difference, but such a difference as, in my opinion, ought certainly to be a prevailing argument for us to agree to what is now demanded. And as to the message

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in the year 1702, I must upon this occasion observe, that if a greater confidence had been placed in her majesty, and her then ministers, and stronger resolutions made by that parliament, it is more than probable that the war which ensued might have been entirely prevented, or at least that the enemies of this nation would have been obliged to have entered into the war under much greater disadvantages than they did: so that the slow and lukewarm proceedings of that parliament, and the fatal effects they produced, is one of the strongest arguments, that can be suggested, for us now to strengthen his Majesty's hands in such a manner as may prevent any such fatal consequences.

It is surprising to me to hear gentlemen complain that nothing has been laid before them, to shew the necessity for granting the powers now asked for. Did not his Majesty in his speech at the opening of the session inform us of the war then began in Europe? Does not he by the present message acquaint us that this war still continues? And is not every gentleman convinced by what he knows of the situation of Europe, that the balance of power in Europe entirely depends on the event of that war? Let which-ever side prevail, if it should be allowed to prevail too far, would not the balance of power be thereby overturned, and will not this nation necessarily be obliged to prevent so fatal an effect? besides this, does not every gentleman know that the French have lately fitted out a very powerful sea-armament, which if not designed against this country, can be designed against but one other place in the world? I indeed believe that it is designed against Dantzick; but if that affair should blow over, which is possible, before the French fleet sails, can we then be easy, can we imagine ourselves in security, while so large a squadron, with an army ready to be put on board, lies within a few hours sailing of our coast?

The honourable gentleman by me very well observed what has been done by the Dutch; they had resolved to reduce 10,000 of their land-forces, but upon the breaking out of the war, they had put off that resolution: they are our natural ally, they have hitherto gone hand in hand with us, but we know in what a weak and defenceless condition their barrier in Flanders is at present, and if we should sit still and do nothing, is it to be expected that they will go on in the same way? No, Sir, they will be obliged to throw themselves entirely into the arms of France, and must depend upon the honour of that crown for the preservation of their barrier in Flanders.

Gentlemen may, Sir, if they please, call this a vote of credit; but as his Majesty has so expressly promised an account, it cannot properly be called a vote of credit. It is, in my opinion, only a vote of confidence; it is only coming to a resolution; which, by shewing the entire confidence we have in his Majesty, will give his instances with foreign powers the greater weight; and consequently is absolutely necessary for the preservation of the balance of power in Europe; without which, this nation can never be in any safety or security.

Mr. Tuffnell backed Mr. Walpole, and was answered by lord Tyrconnel. Then

Sir *William Wyndham* stood up, and said:

Sir; As I find myself at present very much out of order, I am very unfit to offer my opinion on so important a question: however, I must beg leave to trouble you a little upon this occasion; because, if what is now proposed should be agreed to, I do not know but it may be the last time I shall ever have an opportunity of delivering my opinion as a member of this House. With me, Sir, it is a matter of no consequence, whether the proposition now made to us, be founded on precedents or not; for if any thing like what is proposed, has been done, I am of opinion, that as often as it has been done, it has been wrong done; and the oftener it is done, it will be still worse. But to tell us, that the only two points, now under our consideration is, whether extraordinary powers have, upon any occasion, been granted to the crown, and in what method these powers have been granted, is very extraordinary: for, supposing it right to grant extraordinary powers, by an extraordinary method, upon some occasions, certainly we are, upon all such occasions, to consider the reasons for granting such powers, and the nature of the powers to be granted; and if, upon the present occasion, the powers proposed to be granted, are much more extensive, than those formerly granted, and the reasons for granting them not near so strong as upon former occasions, no former precedent can give any authority for doing what is now proposed. We are told of the naval armaments of France; but I would gladly know what we have done to deserve any insult from that nation. If contributing to

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throw the affairs of Europe into their present situation, by which the House of Bourbon has been again put into a condition of pulling down the overgrown power of the house of Austria, which so greatly alarmed us some years ago; if this, I say, deserves any insult from France, I do not know but we may deserve it. But if this were true, while we have an army of 18,000 men in this kingdom, and 12,000 in Ireland, all ready at our call, and a more powerful fleet than any the French can put to sea, what have we to fear from five or six thousand French, if they were actually landed in the island? Sir, if we had not a regiment in the kingdom, we could not have any thing to fear from so inconsiderable a number. And, can we suppose the French such fools as to make so ridiculous an attempt, by which they must expect to draw the immediate vengeance of this nation upou them? When our armies, or our fleets, are to be augmented; when we are to enter into expensive negotiations; or when we are desired to put extraordinary powers into the hands of the government, for purposes not to be told, I have often observed, Sir, that some gentlemen are, upon such occasions, mighty apt to raise phantoms, and to magnify imaginary dangers; from whence they argue for the necessity of providing against them, as if they were real; we are then to be afraid of invasions and insults from almost every power in Europe. But when upon other occasions they are told what is too true, that the nation is in a most dangerous and distressed condition, they then insist upon it, that we are in the most happy situation, that our trade is in a flourishing state, and that we are in friendship with, or at least have no diffidence of any foreign power whatsoever. But now it seems, Sir, we must grant more extensive powers to the crown, than were ever granted by any Parliament, though it cannot be so much as pretended, that we are in any immediate danger; for even those gentlemen who talk of the necessity of granting such powers, tell us, we are in the same circumstances we were in at the beginning of the session; but not what those circumstances are: for this, we must depend upon the assertion of an honourable gentleman; and even he has told us, that he does not believe we are in any danger, but does not desire the safety of the nation to depend on his belief. God forbid, Sir, it should; but if we thus, upon his bare word, give up all the rights of Parliament, and in some measure destroy the necessity of holding any Parliament for the future, I must say, that we shall, from that moment, leave the safety of the nation, and the preservation of our constitution, to depend very much upon his management. This is what I shall never agree to; it is what, I hope, no Parliament will ever agree to; and therefore, if we are in any danger, or if we are like to be in any danger, let us know our danger from something else than his bare assertion; and then I doubt not but the wisdom of parliament will provide effectually against it.

We are seldom indeed told much, we are never told things but by halves; but if what we are told be true, if his Majesty has hitherto taken no share in the war, we cannot be in any immediate danger. However, though his Majesty, as king of Great-Britain, may not have taken any share in the war, yet he certainly has, as elector of Hanover: and as this nation has, by some fatality or another, been generally engaged in the same quarrel which our King, as elector of Hanover, espoused, if the same thing should again happen, this nation may then indeed come to be threatened with some danger or insult; but in such a case it is not necessary for us to provide against such a distant, and such a conditional danger, in the extraordinary method now proposed: Why may we not sit for a few months longer, and do in a regular parliamentary way whatever may seem necessary on that occasion? When we are all together, we make of ourselves a pretty good battalion; it cannot be said but that we are well officered, and a little time might probably bring us to turn to right and left, and to perform all the other parts of exercise by beat of drum: but this, Sir, is a serious subject, and therefore I ask pardon.

We have been told, Sir, that all that is now asked is only to put a confidence in his Majesty. No, Sir, it is to put a confidence in his ministers, and in them I have none; no, not even though the honourable person on the floor has assured us, that no wanton or bad use shall be made of it: for if we once grant the power, we cannot tell how it may be used, nor can we be assured that any future parliament will have it in their power to call those to an account, who may make a wrong or a wicked use of it: We are not to expect Syllas in every age; absolute power is a bewitching possession, and seldom voluntarily resigned. The same honourable person

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asked us, if the past conduct of the administration did not promise rather a backwardness than a forwardness in making use of this power? I must confess, Sir, that a backwardness has been shewn by them in cases where it was very wrong to shew any such thing; When repeated insults have been offered to the nation; when our merchants have been pillaged, and our sailors murdered, and that for years together, they have shewed a mean and dishonourable backwardness, and therefore I think we have good reason to suspect that the same imprudence may make them unwisely rash, and unseasonably forward in engaging in disputes where the interest of the nation may call upon them to be at least neutral. As all the principal powers of Europe are now engaged in a bloody war against one another, and as we have not yet taken any share in that war, the present circumstances of Europe are to me a most evident proof, that we neither are nor can be in any danger as long as we continue in the same situation: and as we have no contrary evidence, but what appears upon the general ministerial message, now under our consideration, I do not see how we can possibly form a pretence for agreeing to what is now asked of us: We ought, and I hope we always will shew as great a deference to the crown as becometh the free-born subjects of Britain; but considering how often the crown has, upon former occasions, been induced to assert for truth what time the discoverer of secrets has made appear not to be true; considering, that we are to look upon this, as well as other such messages, as proceeding from the advice and suggestion of ministers; and when we reflect upon former assertions which came to parliament, by the advice and on the suggestion of the same persons, we cannot be justified in delegating so great a power upon so slight an evidence; an evidence which time may hereafter, as it has before done, shew to be entirely false. I could have added a great deal more upon this subject, but I find myself so bad, Sir, I can proceed no further; only shall take this opportunity, this last opportunity, I am afraid, of declaring my attachment to the liberties and constitution of my country, by declaring my aversion to the proposition now before us.

Sir *William Yonge* replied:

Sir; As all the objections made to what is now proposed have been already fully answered by other gentlemen, I shall not pretend to enter much into the merits of the question; neither did I intend to have given you any trouble in this debate; but such expressions have dropped from the honourable gentleman who spoke last, that it is impossible they should be passed over without some notice. He told us that the crown had often asserted for truth what afterwards appeared to be false. This, Sir, I take to be an accusation which is very inconsistent with that duty and respect, which every member of this House ought to shew to the crown; and I was the more surprized to hear that gentleman accuse the crown of imposing falsities upon the parliament, because he always uses a great deal of caution in what he says in this House: I was sorry the honourable gentleman was prevented from proceeding in this discourse, because I believe he would have explained what he had said in such a manner as not to imply so much disrespect to the crown; I dare say he would: but as his words now stand, I cannot think it possible they should escape the notice of this House. I promised not to enter much into the merits of the question; however I will beg leave to explain a little what passed in this House the first day of the session, upon the motion for an Address to his Majesty: I remember some gentlemen took exceptions to an expression proposed to be put into that Address, as if a promise of a vote of credit had been intended to be couched under it; and upon that occasion the honourable gentleman by me, said, he believed no person so much as dreamed that such an use was intended to be made of that expression; because if any such thing as a vote of credit should be deemed necessary, the demand for it would come in the usual way by a message; and if any such message should happen to come, he believed no argument in favour of it either could or would be drawn from the words then proposed to be put into your address. Gentlemen, I perceive, pretend that they cannot find out the difference between what is now proposed and a vote of credit: yet in my opinion if they will be at the pains to compare the two together, they may very easily discover the difference; for a Vote of Credit is, where a sum is given for certain services, not to be accounted for to parliament; whereas the present message bears this express promise in it, that a full and particular account shall be laid before next parliament of all the expences which

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may be incurred in consequence of the powers now to be granted: and as no power is desired but what appears to me necessary for the security and quiet of the nation, I neither can see nor have heard any sufficient reason for not granting them.

Sir *John Barnard* spoke as follows:

Sir: The hon. gentleman who spoke last found fault with my worthy friend below me, for speaking disrespectfully, as he called it, of the crown: upon which I must observe that the hon. gentleman is very apt, I will not say willingly, to mistake what other gentlemen say, and then to find fault with what he supposes they did say. My worthy friend said, that the crown has often been induced to assert for truth what time has afterwards discovered not to be true. Sir, the crown is never supposed to know any thing but by information, and if those who inform the crown have been themselves misinformed, or should for any private and wicked purpose give the crown a false information, the crown may by such information be induced to assert for truth, what time may very probably shew not to have been true; so that without any explanation, there is no foundation for finding fault with what my worthy friend said: nay, it is what happens but too often. Were not we told but a few years ago of some secret articles in an alliance entered into between two of our neighbours, by which Gibraltar was to have been taken from us, and the Pretender to have been placed by force upon the throne of these realms? This was afterwards discovered not to be true; and indeed, to consider the situation and circumstances of the two powers said to have entered into these articles, it is hardly possibly to believe that any such projects should have entered into either of their heads: yet this was confidently asserted; and to have pretended at that time to have doubted of it, would, I believe, have been reckoned highly disrespectful to the crown, if not downright disaffection. So far are we, Sir, from being obliged to believe every thing asserted by the crown, that we are in many cases bound to enquire into the truth of such assertions; and if they should, upon such enquiry, appear to be false, we ought to punish those who have either foolishly or knavishly imposed upon the crown.

Upon the present occasion, Sir, the crown is absolutely safe from any accusation or suspicion of this kind; for we have not yet had the least information from the crown: even by the present message, notwithstanding the great powers thereby demanded, it is not so much as insinuated that the nation is in any danger, nor are we informed of any fact from which it may be conjectured that the nation may soon be in danger. It has indeed been insinuated by an hon. gentleman in this House, by way of supplement to the message, that we are in danger of an invasion from France; but even that gentleman himself says, he does not believe we are in any danger, which is something very singular; he does not, he says, believe it, but yet he would have every other gentleman in this House believe it; for it is certain there is no danger to be apprehended from any other foreign power; therefore it is impossible for any gentleman, who is of his opinion, with respect to our danger from France, to agree to this resolution: I say, it is impossible that any gentleman, who does not think the nation in any danger, should agree to the granting to the crown an unlimited power of raising forces by sea and land, of entering into expensive alliances, and putting the nation to an infinite expence.

But perhaps, Sir, the danger we are now threatened with is of a domestic nature: if so, I wish some of those gentlemen who know it would rise up and give us some account of it; for really my imagination is so barren, that I cannot form to myself an idea of any such danger, unless it be the danger of having the majority of next parliament consist of such persons as may not be agreeable to some gentlemen; and if the vote of credit we are now to give should be applied towards preventing that danger; if any part of the money should be made use of for that purpose, it is certain, that no gentleman needs be under any apprehensions or any uneasiness from the promise now made, of accounting to next parliament. But I beg pardon, Sir, I believe I should not have called the resolution proposed to us a Vote of Credit, for I find gentlemen are greatly divided whether it ought to be called a Vote of Credit, or a Vote of Confidence. However, I think that dispute may be easily accommodated by calling it a Vote of Confidence and Credit.

It may be thought, Sir, that I do not treat this subject seriously enough: I will allow, that if the nation were really in any danger it would be an affair of very great consequence. In such a case, it would be

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a very serious question to determine, whether we should devolve the power of parliament upon the crown for a short time: but when gentlemen come with such a demand, without any foundation, when even they themselves tell us they believe we are in no danger, but tell us of a French squadron with four or five thousand forces ready to be put on board; and because we are now just at the end of a parliament, make use of that story as a sufficient argument for us to put it in the power of a minister never to call another: I say, Sir, such a demand, founded upon such an argument, must be looked on as a ministerial demand only, and therefore ought either to be treated with ridicule, or rejected with indignation. It is a demand of such a nature, Sir, that in my opinion, no gentleman, who has the least regard for parliaments, or who expects ever to sit in another free parliament, can agree to it.

Sir *Robert Walpole* stood up again, and said,

Sir; In the station in which I have the honour to serve the King, I cannot sit still when I hear the crown reflected on in the manner it has been. I am in justice to the memory of the late King, and in duty to the present, obliged to take notice of what happened to fall from the honourable gentleman under the gallery. His late Majesty's assertion, relating to the two secret articles agreed on between two foreign powers, which that gentleman took notice of, and which he was pleased to say appeared afterwards not to be true, was as well founded, and as true an assertion as ever came from the crown. It is true indeed, Mr. Palm, the imperial minister then at this court, denied that there were any such secret articles in the treaty; but, Sir, when we have the word of the late king from the throne on one side, and the denial of a foreign minister, a minister of inferior rank too, upon the other, I must say that in such a case, to pretend to be at a loss which to give most credit to, is treating the memory of our late sovereign with very great indignity; and I am sure if time has discovered any thing, it has discovered the contrary of what the honourable gentleman pretends. Do not we all know that Gibraltar was soon after actually besieged, and if proper care had not been taken to prevent it, every thing else that was stipulated by those secret articles would as certainly have been undertaken. The other project, if it had been undertaken, would, I believe, have met with the same success: but I am persuaded there are some who are sorry it was not accomplished.—Gentlemen talk, Sir, of ministers misinforming, and imposing upon the crown: but in that case it was not his late Majesty's ministers here who informed him, it was he that informed them of that transaction: he had his information at Hanover, and his information was so good, that he could not be deceived; I know as well, and am as certain, that there were such articles, as those very persons who drew up the articles. I am sorry, Sir, I have been provoked to say so much, to talk of these things may now be improper, and perhaps I cannot justify myself in having said so much, yet in justice to the late King, I think I could say no less.—As to the question itself, I have heard no objections made, but what have been fully answered by other gentlemen, therefore shall not trouble you further upon it, but only to declare, that as this nation may be exposed to great dangers during the interval of parliament, I think it absolutely necessary to comply with his Majesty's message; and as an account is to be rendered to next parliament, and as that parliament must meet some time next winter, if not sooner, the powers now to be granted cannot, in that time, produce any bad consequences; but may produce very good effects, by giving a due weight to any proposals his Majesty, in conjunction with his allies, may think proper to make to the powers now engaged in war.

Mr. *Pulteney* replied:

Sir; As it is now so late, and as many unanswerable objections have been made to the proposition now before us, I should not have given you any trouble, but that I think the question of so great moment, that I ought to testify my aversion to it by something more than a bare negative. As to the danger from the French fleet, Sir, it is either too near to be provided against by any thing that can be done in consequence of this message, or it is so remote, that it may be provided against in a regular manner: this has already been taken notice of, and has not as yet received any answer. But I must further observe, that if there had ever been any ground to suspect, that the French fleet was designed against this island, their not coming hither before now, is sufficient to remove any jealousy that might have been entertained that way. They might have

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had ships sufficient to have transported 5 or 6000 men to this island, and those troops might have been embarked, nay, and even landed in this island, long before this time; and therefore their fleets waiting so long in their harbour, is a plain demonstration, that they are not designed against this island, but against a place, which they cannot approach so early in the spring.

It is something very surprizing to me, Sir, that upon the present occasion we should be told what the Dutch have done, or rather, indeed, what they have not done. When they make any reduction of their forces, in order to save public expence, and spare their people, we are then told, that their example can be no rule for us: But if they make any necessary addition to their land forces, in order to put themselves in a posture of defence against dangers, which we, from the difference of our situation, have not the least reason to apprehend, then we are told, we ought to follow their example: but in the present case, even the example of the Dutch can be no argument. We have already done more than they have done, we have not only resolved to keep up the same number of our land-forces, which certainly would not have been done, if the tranquillity of Europe had remained undisturbed; but we have already made a very large addition to the number of our seamen; an addition which amounts to a greater number of men than that number of land-forces which the Dutch have only resolved not to reduce. So that though we be not near so much exposed to the danger as the Dutch; yet we have already very far exceeded them in the expence we have put ourselves to, on account of the war.

We are next told, that the towns in Flanders are in a very bad situation, and no way provided for defence. For God's sake, Sir, are we thus to be eternally the dupes of Europe? If the emperor, or any other power, neglects to keep their fortified places in a proper posture of defence, must we answer for that neglect? Are we, for the sake of preserving the balance of power in Europe, to undertake, at our own charges, to defend every power in Europe, and to prevent their being invaded or conquered by any of their neighbours? Such arguments, Sir, I should think ridiculous, if made use of for persuading us to put ourselves to the least additional expence; but they are much more so, when they are the only arguments made use of for prevailing with us to make a total surrender of our liberties. Surely, Gentlemen must think this House mighty ready to resign the liberties of their country, when they make such propositions, and support them by such arguments.

To me, Sir, it really appears as if this proposition had been made by way of experiment, to see what lengths we might be prevailed on to go; and if we agree to it, I am sure it is what we can never answer for to ourselves, our constituents, or our posterity; nay, we cannot answer for it, even to his Majesty himself; for it is a destroying of the rights of Parliament; and as his Majesty's right to the crown, is founded on the rights of Parliament, whatever tends to the destruction of the one, must tend to the destruction of the other. The Parliament, Sir, is the guardian of the crown, as well as of the people. We are put to protect the people in the enjoyment of their rights and privileges, we are likewise to protect the crown against wicked and evil counsellors; and, in my opinion, the message now before us, and the proposition now made to us, are of such an extraordinary nature, that if the spirit of liberty, that spirit which brought about the Revolution, and established the present family upon the throne, is not already quite extinguished in this nation, we may soon expect to see a Parliament, that will not only censure, but condemn and punish those who have been the chief advisers of such a measure.

Mr. Talbot spoke next for the motion, and sir John Hynde Cotton against it: then the question being put, upon the motion for the Address, it was carried in the affirmative by 248 to 147.

The King's Answer.] April 1. The above Address was presented to the King; and his Majesty returned the following Answer:

"Gentlemen;

"I return you my thanks for these assurances of your duty and fidelity to my person and government, and for the confidence, which you repose in me. I desire only, that I may be in a condition to support the honour and interest of my crown and people; and the power, you have given me, shall be made use of to no other purpose."

The King's Message for settling an Annuity of 5,000l. per Annum, on the Prin-

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cess Royal for her Life.] April 8. Sir Robert Walpole presented to the House the following Message from the King:

"George *R.*

"His Majesty, having been pleased to direct letters-patent to be passed under the Great Seal of Great Britain, for settling on the Princess Royal an annuity of 5,000*l.* per annum, as a mark of his royal favour and affection to her, and the laws now in being restraining his Majesty from granting the same for any longer term than his own life, hopes, he shall be enabled to make such grant for the life of the said Princess Royal, in case she shall survive his Majesty, and recommends the consideration thereof to this House."

The above Message was immediately taken into consideration, and a Bill ordered accordingly, which passed both Houses in three days: notwithstanding which, it is observable, that upon the second reading thereof in the House of Commons, a motion being made for committing the Bill, the same was opposed by some members; but upon a division, it was carried in the affirmative by 133 against 56.

Protest against committing the Bill for applying 1,200,000*l.* *out of the Sinking Fund for the Service of the Year* 1734.] April 11. A Bill, For enabling his Majesty to apply the sum of 1,200,000*l.* out of the Sinking Fund for the service of the year 1734, and for appropriating the supplies granted in this session of Parliament, was read a second time: And a motion being made, and the question put, That the Bill be committed, it was resolved in the affirmative.

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"Dissentient'

1. "Because the taking away, in this manner, the whole produce of the sinking fund, has a tendency, as we apprehend, to the destruction of parliamentary credit and national faith, and is more dangerous in its consequences, as it is founded upon a doctrine newly laid down; that the proprietors of all the debts subscribed to the South-Sea Company, have no right to their principal money, but only to an annuity of four per cent. and if this opinion should be thought to be countenanced by Parliament in passing this Bill, we are apprehensive, that the effects of it may be too soon and severely felt, especially since the said proprietors have found by experience, that they have been paid off, when their annuities or stocks were above par; and the sinking-fund is now diverted, when, as we apprehend, the said stocks and annuities are likely to fall considerably under par.

2. "Because we look upon this proceeding to be contrary to the contract understood to have been made between the public and those creditors, who consented to the reduction of their interest, in confidence that their principal and remaining interest, would thereby be better secured; in pursuance of which an act of parliament was made, in the third year of his late Majesty's reign, whereby it is enacted, That the monies to arise from time to time, by certain surplusses, excesses, and overplus monies therein specified (which are commonly called the Sinking-Fund) shall be appropriated for discharging the principal and interest of such National Debts and incumbrances, as were incurred before the 25th day of December, 1716, and were declared to be National Debts, and were provided for by act of Parliament in such manner and form, as should be directed or appointed in any future act or acts of parliament; and the said act of parliament is confirmed by another act, made in the 6th year of his late Majesty, which, after reciting that the said overplus money will be greatly increased, as it was from the 24th of June, 1727, applies the said overplus monies, as they stood appropriated by the former act, and likewise establishes a contract between the public, and every individual creditor of the public, that subscribed to the South Sea Company, that the said subscribing creditors shall have a perpetual annuity of four per cent. from the year 1727, until they should be paid off; and then applies the Sinking-Fund so increased, to pay off such debts as were contracted before the 25th of December, 1716, and declared to be National Debts, and provided for by act of parliament; which, if it is pursued, will be the most effectual means, as it is the strongest stipulation that can be made, for paying off the National Debt. And these appropriations in the said acts were manifestly made to prevent the application of the Sinking-Fund to the current service of the year, or to the payment of Debts incurred since the year 1716, which, like the present Navy-Debt, may have lain dormant as

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long as they could possibly be concealed, and been occasioned by ministers, who may have run the nation into larger expences every year, than they thought for their interest to demand from Parliament. We apprehend the greater danger from this proceeding, by considering the steps which have been taken before it came to this point. At first some surplusses were distinguished out of the Sinking-Fund, and supplies for the current service of the year raised upon them. Then a sum of 500,000*l.* being surplusses of the said fund, over the million which had been annually paid off, was applied last year in the same manner. Now the whole is taken at once; and we may justly suspect, that the next attempt will be to mortgage the Sinking-Fund; the consequence of which will inevitably be, as we conceive, a total destruction of parliamentary credit, and introduce a necessity of taxing the funds. The next step is more easy to be foreseen, than proper to be expressed.

3. "Because the appropriating clause in this act is, in effect, an unappropriation of all the money that has been raised this year, and puts it in the power of a minister to divert any of the supplies to whatever purposes he shall think fit; and this, in consequence only of an unprecedented message from the crown, specifying neither the dangers apprehended, nor the services proposed; whereas appropriating clauses were introduced to prevent the secret ill use of public money, and every tendency of breaking through them, is a just foundation for parliamentary jealousy and inquiry; and therefore we apprehend, that we cannot answer it to the nation, if we should acquiesce, when such innovations are attempted.

4. "Because this new method of unappropriating money, raised for particular uses, frustrates and eludes the wisdom and caution of parliaments in the original grant of those monies, which is always in consequence of estimates laid before the other House, and for services specified; and this too, at the beginning of the session in a full House: whereas this unappropriating clause comes in not only at the end of the session, but at the end of the parliament, in a thin House, after many gentlemen were obliged to go to their respective countries, and the House may be apprehended to have consisted chiefly of such who had either no business in the country, or had particular reasons for not going there till this clause should be first passed, and take effect.

5. "Because this clause gives ministers such a latitude to embezzle or misapply the public money, that we apprehend it to be of the most dangerous consequence; for the accounts, if any, given afterwards of the disposal of such sums, though impossible to be credited, may be impossible to be disproved. Domestic fortunes may be raised out of foreign subsidies, and the money asked for our defence and granted for our safety, may be employed for our destruction. The Vote of Credit in the year 1726, and what was built upon it, cost the nation 1,797,730*l.* exclusive of the great increase of forces by sea and land, that were granted by parliament: 435,000*l.* were never accounted for to parliament; and the rest was accounted for under the articles of money paid to the landgrave of Hesse, amounting to 1,079,700*l.* to the crown of Sweden, 150,000*l.* to the duke of Wolfenbuttle 100,000*l.* to exchange to the Hessians, 10,335*l.* to exchange to Denmark, 22,694*l.* and all this expence was incurred to guard against dangers which the administration then gave out they apprehended from the exorbitant power of the House of Austria.

6. "Because the money raised this year amounts to 3,980,000*l.*; one million is raised by that expensive way of mortgaging the salt-duty for eight years; the sinking fund, amounting to 1,200,000*l.* is taken, and every thing done that can carry an appearance of easing the land this election year: but this Bill not only gives the minister a power over the whole supply raised this year, but, by this unprecedented device, lays a certain foundation of a greater load upon the land, which the nation may be reduced to pay off, with interest, next year: and we cannot omit this circumstance, that the money voted this year exceeds the supply to the amount of above 100,000*l.*

7. "Because we conceive this precedent to be the more dangerous at the end of a parliament, and may be followed fatally for our liberties at the conclusion of future parliaments; for we have little reason to be sure, and as little to hope, that future parliaments will be like this, unbiassed, uncorrupt, uninfluenced, by the great number of employments they enjoy, zealous asserters of the laws, liberties, and constitution of their country. And should there ever hereafter unfortunately be chosen a House of Commons, consisting of a set of men, corrupted by a minister, bartering the liberties of their

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country for places and pensions, in the most flagitious manner; detested and despised by those they represent, they would probably, towards the end of their term, complete the measure of their iniquity, by lodging such a power in the hands of their corresponding minister, as would enable him to chuse them again in the succeeding parliament, contrary to the intentions as well as interest of their true electors, by which means corruption and tyranny would be entailed upon this nation, in the most dangerous manner, by the sanction of parliament.

8. "Because blending inconsistent matters of this nature, as we conceive, in a money-bill, lays this House under the utmost difficulties, since the delays occasioned by any alterations made in this House to some parts of a money-bill, may be unavoidable obstructions to other parts of it, that require expedition and dispatch.

9. "Because the extending of this unprecedented power to the 24th of December next, is a length of time beyond what was ever known, as we apprehend, in any case, and is, in our opinion, not only dangerous but unnecessary: for the chief pretence for the vote, was to have power during the interval of parliament, which may be chosen and meet much sooner, if it shall be thought convenient, after so extensive a power is lodged in the hands of the ministers for so long a term.——*(Signed)* Denbigh, Litchfield, Coventry, Northampton, Winchelsea and Nottingham, Clinton, Montjoy, Craven, Bathurst, Weymouth, Montrose, Stair, Strafford, Thanet, Marlborough, Carteret, Oxford and Mortimer, Tweedale, Gower, Masham, Ker."

The King's Speech at the Close of the Session.] April 16. The King came to the House of Peers, and put an end to the session with the following Speech:

"My Lords and Gentlemen,

"I give you my hearty thanks for the great dispatch you have given to the public business, and for the confidence you have reposed in me for the honour and security of my kingdom. So short a session, at so critical and important a conjuncture, concluded with so much unanimity, and so just a regard for the true interest of the nation, will give great weight and credit to all our public transactions, and procure that respect and dependance upon the great council of this nation, which are so necessary to support the honour and interest of Great-Britain both at home and abroad.

"Gentlemen of the House of Commons,

"I must acknowledge in a particular manner the zeal and readiness which you have shewn in raising in so effectual a manner, the necessary supplies for the service of the year: the provision you have made for paying off great part of the debt of the navy, a debt necessarily and unavoidably incurred, and carrying a higher interest than the old national debt, and which, being at a discount, increased the charge and expence in all contracts of the navy and victualling, must certainly be thought of singular service to the public.

"My Lords and Gentlemen,

"The time limited for the expiration of this parliament drawing near, I have resolved forthwith to issue my proclamation for the dissolving of it, and for calling a new parliament, that the inconveniencies unavoidably attending a general election, may be put an end to as soon as possible; but I should think myself inexcusable, if I parted with this parliament without doing them the justice to acknowledge the many signal proofs they have given, through the course of seven years, of their duty, fidelity, and attachment to my person and government, and their constant regard to the true interest of their country.

"The prosperity and glory of my reign depend upon the affections and happiness of my people, and the happiness of my people upon my preserving to them all their legal rights and privileges, as established under the present settlement of the crown in the Protestant line. A due execution and strict observance of the laws, are the best and only security both to sovereign and subject; their interest is mutual and inseparable, and therefore their endeavours for the support of each other ought to be equal and reciprocal; any infringement or incroachment upon the rights of either is a diminution of the strength of both, which kept within their due bounds and limits, make that just balance, which is necessary for the honour and dignity of the crown, and for the protection and prosperity of the people. What depends upon me, shall, on my part, be religiously kept and observed, and I make no doubt of receiving the just returns of duty and gratitude from them.

"I must in a particular manner recommend it to you, and from your known af-

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fection do expect, that you will use your best endeavours to heal the unhappy divisions of the nation, and to reconcile the minds of all, who truly and sincerely wish the safety and welfare of the kingdom. It would be the greatest satisfaction to me to see a perfect harmony restored amongst them that have one and the same principle at heart, that there might be no distinction, but of such as mean the support of our present happy constitution in church and state, and such as wish to subvert both. This is the only distinction that ought to prevail in this country, where the interest of king and people is one and the same, and where they cannot subsist but by being so. If religion, liberty, and property, were never at any time more fully enjoyed, without not only any attempt, but even the shadow of a design, to alter and invade them, let not these sacred names be made use of, as artful and plausible pretences to undermine the present establishment, under which alone they can be safe.

"I have nothing to wish but that my people may not be misguided; I appeal to their own consciences for my conduct, and hope the providence of God will direct them in the choice of such representatives, as are most fit to be trusted with the care and preservation of the Protestant religion, the present establishment, and all the religious and civil rights of Great-Britain."

After which the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 14th of May; but on the 18th of April, a proclamation was issued for their dissolution, and for the calling a new parliament.

PRINCIPAL OCCURRENCES DURING THE RECESS.—*The Parliament dissolved—The Elections through the Nation go for the Court—Account of the Elections of the Scotch Peers—Protest of the Duke of Hamilton and other Peers—Foreign Affairs—State of Great Britain—Parliament meets and is prorogued.*] The parliament was no sooner dissolved, than the whole nation was in a ferment about chusing a new one; which, notwithstanding all the arts of the opposition, went greatly in favour of the court.* But the great object of the nation at this time was, the election of the Scotch peers. It had been always a custom for those who were intrusted by his Majesty with the affairs of that kingdom, to draw out a list of peers, proper to be the representatives of the whole body in the British parliament. Those lists were generally handed about, and the peers named in them, were well known; therefore, it was natural to suppose, that all who thought themselves intitled to the same preference, should oppose the ministerial list. Some Scotch noblemen of great rank, fortunes and characters, happened then to be out of humour with the minister, and consequently they opposed his list; but as a great majority of the Scotch peers supported it, it was in vain for the lords in the opposition to think of succeeding by numbers. The ministerial list this year contained the dukes of Athol and Buccleugh, the marquis of Lothian, the earls of Crawford, Sutherland, Morton, Loudon, Finlater, Selkirk, Belcarras, Dunmore, Orkney, Portmore, Hopeton, Ilay, and lord Cathcart.

The election was to be at the borough room in Edinburgh, and about the distance of an English measured mile, in the court-yard of the palace of Holyroodhouse, a battalion of foot was drawn up. This was a very idle precaution, but was meant to prevent any tumults, some being apprehended from the disposition of the

* "Parson's Green, 6th of May 1743. The news-papers which you have, give you as good an account of the elections as I can do, and distinguish them as right for the most part. We cast them up the other day at sir Robert Walpole's, and then we had gained nine upon the balance more than we had in the last parliament; and I have reckoned three gained since, and I suppose we shall still gain, so that your majority will be rather too great than too small." Sir Charles Wager to Horace Walpole: Coxe's Walpole.

"Claremont, May 24, 1734. We returned very victorious from Sussex, and you may imagine are not a little pleased with it, considering the violent and strong opposition we met with, and the bad success of our friends in other counties, as Kent, Cheshire, Hampshire, Yorkshire, Gloucestershire, Essex, &c. Norwich has done purely; I most heartily congratulate you upon it. Norfolk is by this time over, but I know not the event, but am not in much pain about it. The duke of Devon has done gloriously in Derbyshire, and Jennison and Middleton in Northumberland. Our parliament is, I think, a good one; but by no means such a one as the queen and your brother imagine. It will require great care attention, and management to set out right, and keep people in good humor." The duke of Newcastle to Horace Walpole: Coxe's Walpole.

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populace, and the importance of the occasion. It was, however, improved by the antiministerial party into a kind of overawing the election. Therefore, the earl of Stair, with sixteen other peers, before they proceeded to business, entered a formal protest on that account against all the proceedings that might happen.

Besides the list we have already given, another was proposed, containing the dukes of Hamilton, Montrose, Queensberry, Roxburgh, marquis of Tweedale, earl of Stair, earl of Marchmont, Rothes, Haddington, Caithness, Buchan, Aberdeen, Dondonald, Strathmore, Glasgow, and lord Elphinstone. But when both lists came to be voted for, the crown list was carried by a great majority. The duke of Hamilton, however, before he gave his vote, entered a general protest against the electing the 16 peers upon the court list; all whom he particularly named in his protest, which was founded upon his having strong grounds to believe, "That the peers, who were to vote at the election, had not all of them been left at liberty to make a free choice of such peers, as they should judge most proper to represent the peerage of Scotland. But that a list of 16 peers had been named by the minister, and sent down by his agent, to be chosen, and that undue influence had been used with many of the peers of Scotland, to vote for the said list; therefore, continues the protest, that in case it shall appear in the course of this election, that the list voted, is, and hath been, a list so named by the minister; and that undue means have been used to induce the peers, who are to vote at this election, or any number of them, to vote for such list, by promise or grant of place, pension or reward, to themselves, or their near relations, or by threatenings of being removed from offices, or of any other kind whatever; that such election shall be held as illegal, contrary to the freedom of elections, and therefore void. And I do hereby protest, that I shall be at liberty farther to dissent from such election, if made, and to renew my protest, and to offer my reasons and objections against the same in a more particular manner.

—*(Signed,)* Hamilton, Queensberry, Montrose, Roxburgh, Tweedale, Rothes, Buchan, Strathmore, Haddington, Kincardine, Aberdeen, Dundonald, Marchmont, Stair, Glasgow, Rosberrie, Salton, Elphinstone, Napier, Blantyre."

To this protest was added a single Declaration, by the lord Elphinstone, in the following remarkable words.

"I Charles lord Elphinstone do hereby adhere to the protest entered by his grace the duke of Hamilton, concerning undue influence used by people in power for this election of 16 peers, to sit and vote in the ensuing parliament. And I do it for this reason, that they have attempted such undue influences upon myself, which attempts I withstood, and rejected their offers. At Edinburgh, the 4th day of June, 1734, at the election of the 16 peers aforesaid. ELPHINSTONE."

A like Declaration was made by the earl of Rosberrie, a person notoriously infamous in his character, and unsound in his mind. The election being over, the duke of Queensberry entered the following Protest, which was subscribed by the same peers, who had signed that of the duke of Hamilton.

"In my own name, and in the name of such of the peers of Scotland, as shall adhere to me, I do protest that the pretended election of his grace the duke of Athol, his grace the duke of Buccleugh, &c. to represent the peerage of Scotland, is void and null, for these, among other reasons;

"That it appears, from the several circumstances, which have preceded and attended this election, that this list hath been named by the minister, and sent down by his agent, without regard to the real opinion and sentiments of the peers, and that several of them have been tied down either to give their votes for this list, or to incur the displeasure of the minister.

"That for many months past, very undue influence hath been used (as I have ground to believe from what hath already passed at this meeting, and hope in proper time to make farther appear) with many of the peers of Scotland, to engage or intimidate them to vote for this list, at least such list as should be put into their hands, by promise or grant of money, places, pensions, or preferments civil or military to themselves, or their near relations; or by threatenings, equally inconsistent with the freedom of elections.

"That I am rather induced to believe that such undue influence hath been used, because of the many notorious instances that have occurred of undue practices, with respect to the elections of the commoners, by promise or grant of places, civil or military, and offers of grants of great sums of money to influence voters both in counties and boroughs, such as hath not been heard

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of at any time before, by known agents of the minister, and liberties that have been taken by returning officers, in open violation of the laws; the consequences of which must be too plain, as tending entirely to the destruction of the freedom of elections, the ruin of our constitution, the sapping the very foundation of parliaments, and rendering them entirely dependent not only upon the crown, but every assuming minister.

"For these reasons I do protest, that the present pretended election of the aforesaid sixteen peers, to wit, his grace the duke of Athol, his grace the duke of Buccleugh, &c. is void; and that the election of such sixteen peers as have the greater number of votes, setting aside the above list named by the minister, is the only fair and free election, and they alone are intitled to represent the peerage of Scotland in the ensuing parliament: and I do protest, for my part, that I have given my vote for the list, for which I have voted in consequence of my free choice, without any undue influence used from me; and that I have endeavoured to use no undue influence upon any peer whatsoever to concur with me in that choice: and require you, Mr. James Justice and Mr. John Murray, clerks of session officiating at the said election, to extract from the minutes of election, and deliver to me a certificate of such sixteen peers as have the greatest number of votes, setting aside the above list named by the minister." Signed, Queensberry, &c. as in the preceding protest.

When the earl of Kincardine signed this Protest, he reserved to himself a power of making any farther declarations of matters within his own knowledge, when called upon by any proper court or authority.

The list on which the minority fell was as follows, viz. dukes of Hamilton, Montrose, Queensberry, Roxburgh, marquis of Tweedale, earls of Stair, Marchmont, Rothes, Haddington, Caithness, Buchan, Aberdeen, Dundonald, Strathmore, Glasgow, and lord Elphinstone.

The election of Stanislaus to the crown of Poland, proved but a short gleam of hope to that prince. The Russian army advanced with rapidity on one side, as the Saxons did on the other side, of Poland, in favour of king Augustus, till at last Stanislaus was obliged to retire to Dantzick, which had declared, that it would stand by him to the last extremity. This gave the party of king Augustus leisure to proceed to a new election; and on the 17th of January that prince was crowned at Cracow with the usual solemnity, while the Russian general, after possessing himself of Thorn, advanced against Dantzick, and made himself master of some of the most important posts in its neighbourhood. The Dantzickers at first put on an air of resolution; but finding the town untenable, and Stanislaus perceiving that his presence must expose them to the greatest calamities, he formed a secret resolution of retiring. Both he and the inhabitants, however, had great expectations from the assistance promised them by France, and were in hopes that the king of Prussia would declare in their favour. But they were disappointed in all: for though some French troops did arrive to their assistance, they could not prevent a great part of Dantzick being reduced to ashes by the Russian artillery. All that his Prussian majesty could do was to make some faint offers of mediation with the Czarina, which were rejected. The French succours were no more than 3,000; and having made a fruitless attempt against the Russians, king Stanislaus seeing his affairs desperate, made his escape in a wonderful manner out of Dantzick, which was compelled immediately to admit the Russian troops and recognize the right of king Augustus, together with all the Polish noblemen who were there, and who had followed the fortune of king Stanislaus.

In Germany the French met with great success, but received an irreparable loss by the death of the marshal duke de Berwick, who was killed in the trenches which he had opened before Philipsburgh upon the 26th of April. The great prince Eugene arrived on the Rhine, to take upon him the command of the imperial army there; but he found matters in such disorder, that he could only act upon the defensive against marshal d'Asfeldt, who succeeded the duke de Berwick in the command of the French army, and obliged Philipsburgh at last to surrender; while prince Eugene found himself so far inferior to the French in numbers, that he could give it no relief. But this was the principal event of the war upon the Rhine this year; for soon after both armies broke up, and went into winter quarters.

But in Italy, the campaign was hot and bloody. The French, after taking the castle of Milan, and reducing many other forts, entered the Modeneze, while Don Carlos, at the head of his own and his fa-

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ther's forces, took possession of Naples, of which his Catholic Majesty declared him King, and laid siege to Gaeta and Capua. The imperialists in Italy were commanded by count Merci, a brave but rash general. The Spaniards were commanded by the count de Montimar, a general likewise of great abilities. who gained many advantages over the imperialists, particularly at Bitonto, where he routed them with great slaughter. On the 29th of June was fought the battle of Parma, in which the count de Merci obstinately attacking the French, was himself killed, with several general officers and some thousands of the imperialists, who were obliged to retire in great disorder. The loss of the French, who were commanded by marshal de Coigny, was little inferior, and the prince of Wurtenburgh, upon the death of Merci, took upon him the command of the imperialists. This battle was followed by the surrender of the strong fortress of Gaeta to Don Carlos. The imperialists, however, towards the close of the campaign, surprized marshal de Broglio, a French general, who lost about 2,000 of his men, killed or taken prisoners. But both sides claimed the honour of the victory: nor was there ever a war carried on with more bloodshed than that in Italy this year between the imperialists and the allies, the kings of Spain, France and Sardinia. It was owing to the last that affairs went so prosperously this year for the allies in Italy. The French court had appointed the marshal de Villars to command the troops in Italy. That general had outlived all his great qualities but his enterprizing courage; and his Sardinian Majesty had the address to get him recalled, and the marshals Broglio and Coigni sent in his room, without giving umbrage either to him or his court. After this, the most prosperous events of the war for the allies were planned by the king of Sardinia; and all the kingdom of Naples submitting to Don Carlos, he prepared towards the end of the campaign, to attack Sicily, where some Spanish troops had already landed. Notwithstanding this, while all Europe imagined that both armies were about going into winter quarters, the imperial court sent orders to their generals, Konigsegg and Wallis, to keep the field, which they did with 40,000 men, and obtained several advantages over the allies, who must have been totally ruined had it not been for the wisdom and courage of the king of Sardinia, who obliged them to retreat again beyond the Po and the Oglio.

In the mean while, Great Britain was enjoying all the comforts of protected commerce and a respectable neutrality. The state of affairs in the rest of Europe, notwithstanding all the clamour at home, gave her great dignity in the eyes of all nations and potentates. In the beginning of this year, her fleet consisted of about fifty ships of the line of battle with a proportion of frigates and small ships, all at sea, or ready to put to sea, and commanded by sir John Norris, one of the ablest, though not of the most successful, admirals that ever England had. The great confidence which the parliament had reposed in his Majesty, added to the figure which England then made; and the states of Holland having come to a resolution to augment their forces by sea and land, the Hague became the seat of negotiation, where all parties submitted their interests to the decision of his Britannic Majesty. The obstinacy of the imperial court rendered those interests for a long time incompatible. But about the beginning of October, some hints of accommodation began to perspire. One was, that the duke of Lorrain should marry the emperor's daughter, which accordingly took place: but soon after matters begun to wear a more favourable aspect, and the hopes of a negotiation were so far advanced, that the following Paper was communicated by the neutral powers to the French and Imperial ambassadors by way of trial.

"Whether the emperor and France would be content that don Carlos remain king of Naples and Sicily, on condition of giving the House of Austria, Parma, and Placentia, with a part of Milan and the succession to Tuscany, as an equivalent? Whether king Stanislaus, preserving his regal titles, will be satisfied to be made duke of Lorrain, and that dutchy erected into an electorate? The duke of Lorrain to marry the eldest archduchess, to be declared king of the Romans, and to have Parma and Placentia immediately, and Tuscany after the death of the great duke? Or in case this second article is rejected, whether Poland shall not be divided between Stanislaus and Augustus, the longest liver to take the whole?"

Early in the spring, a fleet of twenty sail of the line were in the Downs, and eight regiments were ordered over from Ireland to England. It is certain, that these precautions this year preserved the public tranquillity in England. The king

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of Sardinia was the only power of the allies who was sincere in his professions of friendship for Great Britain. Though the prime minister of Spain, who was lately dead, had, upon his death-bed, recommended to his master the continuance of a peace with England as the most valuable legacy he could leave him, yet the bigotry of that court paid but very little regard to his advice. The eldest son of the Pretender was suffered to serve with particular marks of distinction in the army of Don Carlos, who gave no obscure hints that he would, whenever it was in his power, favour the pretensions of his family. The French, about the same time, published a severe edict to compel all British subjects either to leave that kingdom, or inlist in their armies. The earl of Walgrave, the British minister, presented a memorial on that head to the French court; who explained themselves by saying, that they meant that their edict should take place, only against British and Irish vagabonds, and those who have no visible means of subsistance or settled place of abode.

In June this year, the lord Forbes waited upon his Majesty at Kensington from Russia, where a treaty of commerce had been concluded with the Czarina greatly to the advantage of the British nation, and he had been honoured by her with particular marks of esteem and confidence.

On the 13th of June, the day appointed by proclamation for the writs for members of the new parliament to be returnable, many members of the House of Commons attended at the House of Peers, where by his Majesty's command a writ was read for proroguing the parliament to the 16th of July, and from thence, by various prorogations, it was prorogued to the 14th of January, 1735, when they sat for the dispatch of business.*

FIRST SESSION OF THE EIGHTH PARLIAMENT OF GREAT BRITAIN.

Meeting of the New Parliament.] Jan. 14, 1735. This day the New Parliament met at Westminster. The King being seated on the throne, adorned with his crown and regal ornaments, and attended with his officers of state; the prince of Wales, in his robes, sitting in his place on his Majesty's right hand; the Lords being likewise in their robes; commanded the gentleman usher of the black rod, to let the Commons know, It is his Majesty's pleasure, that they attend him immediately in this House.

Who being come: the Lord Chancellor said:

"My Lords, and Gentlemen;

"His Majesty hath commanded me to let you know, That he is not pleased to declare his reasons for calling this parliament, till there be a Speaker of the House of Commons.

"And therefore it is his Majesty's pleasure, that you gentlemen, of the House of Commons, immediately repair to the place where the Commons usually sit, and there choose a fit person to be your Speaker; and that you present him whom you so choose to his Majesty, here, for his royal approbation, on Thursday the 23d of this month, at two of the clock."

Then his Majesty was pleased to retire; and the Commons withdrew.

List of the House of Commons.] The following is a List of the Members of the House of Commons:

A List of the House of Commons in the Eighth Parliament of Great Britain, which met at Westminster, January 14, 1735.

Bedfordshire.—Sir Rowland Alston. John Spencer; Made his election for Woodstock. Sir Roger Burgoyne.

Bedford.—Samuel Ongley. Sir J. Van. Sambroke; Died, a new writ ordered, Nov. 18, 1740.
Sir Boteler Chernocke.

Berkshire.—William Archer; Died, a new writ ordered, Nov. 15, 1739.
Winch. Howard Packer. Penyston Powney; Verdurer of Windsor forest.

Windsor.—Lord Vere Beauclerk; Made a lord of the Admiralty, and a new writ being ordered, March 2, 1738, he was re-elected.
Lord Sidney Beauclerk; Made vice chamberlain of his Majesty's household, and a new writ being ordered, April 23, 1740, he was re-elected.
Richard Oldfield, and Lord Vere Beauclerk; A double return: the latter was declared duly elected.

* Tindal.

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Reading.—Harry Grey; Died, a new writ ordered, Nov. 18, 1740.
Richard Pottenger; Made a Welsh judge, and a new writ being ordered, May 15, 1735, he was re-elected; and died, and a new writ ordered, Nov. 28, 1739.
William Strode; Not duly elected.
John Blagrave. John Dodd.

Wallingford.—William Hucks; Died, a new writ ordered, Dec. 5, 1740.
Thomas Tower. Joseph Townshend.

Abingdon.—Robert Hucks.

Bucks.—Sir Wm. Stanhope. Sir Thomas Lee.

Buckingham.—G. Chamberlayne; Changed his name to Denton.
Richard Grenville; Son of the former.

Chipping Wicomb.—Edmund Waller; Made his election for Marlow.
Harry Waller. Sir Charles Vernon.

Aylesbury.—Christopher Tower. Sir George Champion.

Agmondesham.—Thomas Lutwych; Died, a new writ ordered, Feb. 11, 1735.
Henry Marshall. Thomas Gore.

Wendover.—John Hampden; Made commissary of his Majesty's stores of war, and provisions for his Majesty's forces at Gibraltar; and a new writ being ordered, May 15, 1735, he was re-elected.
John Boteler; Not duly elected, a new writ ordered, April 17, 1735.
James visc. Limerick.

Great-Marlow.—Sir Thomas Hoby. Edmund Waller.

Cambridgeshire.—Henry Bromley; Created lord Montfort, at the expiration of this parliament.
Samuel Shepherd.

Univ. of Cambridge.—Edward Finch. Thomas Townshend.

Town of Cambridge.—Sir John Hynd Cotton. Tho. Sclater Bacon; Died, a new writ ordered, Feb. 1, 1737.
Gilbert Affleck.

Cheshire.—Charles Cholmondeley. John Crew, jun.

Chester.—Sir Robert Grosvenor. Sir Charles Bunbury.

Cornwall.—Sir John St. Aubin. Sir William Carew.

Launceston.—John King; Succeeded his father as lord King; and sir William Irby, petitioner against him, was voted duly elected.
Sir William Morice. Sir William Irby; Chamberlain to the Princess of Wales.

Leskard.—George Dennis; Comptroller of the lotteries. Died, a new writ ordered, March 17, 1740.
Richard Elliot; Auditor-general to the Prince of Wales.
Charles Trelawney. Richard Elliot; Receiver-general to the Prince of Wales.

Lestwithiel.—Richard Edgecumbe; Joint vice treasurer and paymaster of Ireland, now lord Edgecumbe.
Philip Lloyde; Died, a new writ ordered, March 21, 1735.
Mat. Ducie Moreton; Succeeded his father as lord Ducie; a new writ ordered, May 12, 1735.
Sir John Crosse.

Truro.—Robert Trefusis. Kelland Courtenay.

Bodmin.—John Laroche. Sir John Heathcote.

Helston.—John Evelyn. John Harris.

Saltash.—John viscount Glenorchy. Thomas Corbet.

Camelford.—Sir Thomas Lyttelton; A lord of the Admiralty.
James Cholmondeley; Lieutenant-col. of the Horse-guards, and governor of Chester Castle.

West Looe.—John Willes; Made lord chief justice of the court of Common Pleas: a new writ ordered, Feb. 1, 1737.
Edward Trelawney; Seat vacated, being at the time of his election a commissioner of the Customs.
John Strange; Solicitor-general.
John Owen.

Grampound.—Philip Hawkins; Died, a new writ ordered, Feb. 1, 1739.
Thomas Hales; Clerk of the board of green-cloth.
Thomas Trefusis; Captain of a man of war, afterwards a commissioner of the Navy.

East Looe.—Edward Trelawney; His seat vacated, being at the time of his election, a commissioner of the Customs.
Charles Longueville. Samuel Holden; Died, a new writ ordered, Nov. 18, 1740.
Henry Legge; Commissioner of the Navy.

Penryn.—Sir Richard Mill. John Clavering.

Tregony.—John Goddard; Died, a new writ ordered, Feb. 1, 1737.
Henry Penton. Sir Robert Cowan; Died, a new writ ordered, Feb. 23, 1737.
Joseph Gulston; Deputy-ranger of Enfield chace; died, a new writ ordered, Jan. 20, 1742.

Bossiney.—Henry visc. Palmerston; Remembrancer of the court of Exchequer in Ireland.
Townshend Andrews; Deputy-paymaster of the Forces; died, a new writ ordered, May 13, 1737.
Peregrine Powlett.

St. Ives.—Sir Robert Rich; Colonel of a regiment of Dragoons, groom of the Bedchamber to his Majesty, and major-general.
W. Mackworth Praed.

Foxey.—Jonathan Rashleigh. John Hedges; Died, a new writ ordered, June 21, 1737.

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William Wardour.

St. Germains.—Charles lord Baltimore; Lord of the Bedchamber to the Prince of Wales.
Charles Montagu.

St. Michael.—Robert Orde. Thomas Watts.

Newport.—Thomas Herbert; Colonel in the first regiment of Foot-guards; died, a new writ ordered, Jan. 8, 1740.
Sir John Molesworth. Nicholas Herbert.

St. Maws.—Henry Vane. Richard Plumer; Made a commissioner of trade and plantations: and a new writ being ordered, May 14, 1735, he was re-elected.

Kellington.—Isaac Leheup. Thomas Coplestone.

CUMBERLAND.—Sir James Lowther; Vice admiral of this county.
Sir Joseph Pennington; Comptroller of the Excise cash.

Carlisle.—Charles Howard; Aid-de-camp to his Majesty.
John Hylton.

Cockermouth.—William Finch. Sir Wilfred Lawson; Died, a new writ ordered, Jan. 24, 1738.
Eldred Curwen.

DERBYSHIRE.—Lord Charles Cavendish; Lord of the Bedchamber to the Prince, and brother to the duke of Devonshire.
Sir Nathaniel Curzon.

Derby.—Lord James Cavendish. Charles Stanhope; Died, a new writ ordered, March 2, 1736.
John Stanhope.

DEVONSHIRE.—Sir Will. Courtenay; Died, a new writ ordered, Jan. 15, 1736.
Henry Rolle. John Bamfylde.

Exeter.—John King; Succeeded his father as lord King; a new writ ordered, Feb. 11, 1735.
Thomas Balle. Sir Henry Northcote.

Totnecss.—Sir Charles Willes. Joseph Danvers.

Plymouth.—Arthur Stert; A commissioner for settling the merchants' losses with Spain.
Robert Byng; Made governor of Barbadoes; a new writ ordered, May 22, 1739.
John Rogers; Not duly elected.
Charles Vanbrugh; Captain in the Navy; died, a new writ ordered, Nov. 18, 1740.
Lord Henry Beauclerk.

Oakhampton.—W. Northmore; Died, a new writ ordered, March 21, 1735.
Thomas Pitt. George Lyttelton; Secretary to the Prince of Wales.

Barnstaple.—Sir John Chichester; Died, a new writ ordered, Nov. 18, 1740.
Theophilus Fortescue. John Basset.

Plympton.—Thomas Clutterbuck. Richard Edgecumbe; Made his election for Lestwithiel.
Thomas Walker; Surveyor of the crown lands.

Honiton.—Sir W. Yonge; Made secretary at war, and a new writ being ordered, May 9, 1735, he was re-elected.
William Courtenay.

Tavistock.—Charles Fane; Son to lord Fane, and envoy to the court of Florence.
Sidney Meadows.

Ashburton.—Sir W. Yonge; Made his election for Honiton.
Roger Tuckfield; Died, a new writ ordered, April 4, 1739.
Thomas Bladen. Joseph Taylor.

Dartmouth.—George Treby; Made a lord of the Treasury; and a new writ being ordered, Nov. 18, 1740, he was re-elected.
Walter Cary; Made one of the clerks comptrollers of his Majesty's household; and a new writ being ordered, May 16, 1738, he was re-elected.

Berealston.—Sir F. Henry Drake; Died, a new writ ordered, Feb. 8, 1740.
John Bristow; Deputy-governor of the South Sea Company.
Samuel Heathcote.

Tiverton.—Arthur Arscot. Dudley Ryder; His Majesty's solicitor-general, made attorney-general; and a new writ being ordered, Feb. 1, 1737, he was re-elected.

DORSETSHIRE.—Edm. Mort. Pleydell. George Chaffin.

Poole.—George Trenchard. Thomas Wyndham.

Dorchester.—John Brown; Made one of his Majesty's counsel at law; and a new writ being ordered, March 4, 1729, he was re-elected.
William Chapple; Made a judge of the King's-bench; a new writ ordered, June 17, 1737.
Robert Brown.

Lyme-Regis.—Henry Holt Henley. John Scrope.

Weymouth, and Melcombe-Regis.—Thomas Pearse. George Doddington. G. B. Doddington; Made his election for Bridgewater.
Edward Tucker; Made supervisor of his Majesty's Quarries in the island of Portland; a new writ ordered, Feb. 28, 1737.
John Tucker. John Olmius.

Bridport.—William Bowles; South Sea director.
Solomon Ashley; Governor of the York-buildings company.

Shaftesbury.—Jacob Banks; Died, a new writ ordered, March 1, 1738.
Philip Bennet; Not duly elected, but re-chosen on the death of Mr. Banks.
Stephen Fox.

Wareham.—Henry Drax. John Pitt.

Corfe-Castle.—John Bond. John Banks.

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DURHAM *County.* — George Bowes. John Hedworth.

Durham.—Henry Lambton. John Shaftoe.

ESSEX.—Thomas Bramston. Sir Robt. Abdy.

Colchester.—Isaac Lem. Rebow; Died, a new writ ordered, Feb. 27, 1735.
Matthew Martin. Jacob Houblon.

Malden.—Henry Parsons; Died, a new writ ordered, Jan. 8, 1740.
Martin Bladen; A commissioner of trade and plantations.
Benjamin Keene.

Harwich.—Carteret Leathes. Charles Stanhope.

GLOUCESTERSHIRE.—Thomas Chester. Benjamin Bathurst.

Gloucester.—John Selwyn; Treasurer to the Queen.
Benjamin Bathurst.

Cirencester.—Thomas Master. Will. Wodehouse; Chosen also for Norfolk. Died, a new writ ordered, April 9, 1735.
Henry Bathurst.

Tewksbury.—Thomas viscount Gage. Robert Tracy; Trustee for Georgia.

HEREFORDSHIRE. — Edward Harley. Velters Cornwall.

Hereford. — Thomas Foley, jun. Sir John Morgan.

Leominster. — Sir George Caswall. Robert Harley.

Weobly.—Sir John Buckworth. John Birch; Died, and voted not duly elected.
James Cornewall.

HERTFORDSHIRE.—Sir T. S. Sebright; Died, a new writ ordered, April 19, 1736.
William Plumer. Charles Cæsar; Died, but no new writ issued.

St. Albans.—Sir Thomas Ashton. Thomas Ashby.

Hertford.—Sir Thomas Clerke. Nathaniel Brassey.

HUNTINGDONSHIRE. — Lord Robert Montagu; Vice-chamberlain to the Queen, succeeded his brother as duke of Manchester; a new writ ordered, Nov. 15, 1739.
Robert Piggot. Charles Clarke.

Huntingdon.—Roger Handaside; Colonel of a regiment of foot, and governor of Fort-Philip in Minorca.
Edward Montagu.

KENT.—William visc. Vane; Died, a new writ ordered, Feb. 11, 1735.
Sir Edward Dering. Sir Christ. Powell.

Canterbury.—Sir Will. Hardres; Not duly elected.
Sir Thomas Hales. Thomas Brodnax; Changed his name first to May, and afterwards to Knight.

Rochester.—David Polhill. Nicholas Haddock.

Maidstone. — W. Horsman. Turner. John Finch; Died, a new writ ordered, Jan. 8, 1740.

Queenborough.—Richard Evans; Captain of Dragoons, and lieutenant-governor of Sheerness.
Sir George Saunders. Richard Evans.
Sir George Saunders; Commissioner of the Navy, died, a new writ ordered, Feb. 14, 1735.
Lord Archibald Hamilton; A lord of the Admiralty, afterwards cofferer to the Prince of Wales, and surveyor-general of the Duchy of Cornwall.

LANCASHIRE.—Sir Edward Stanley; Succeeded to the title of earl of Derby; a new writ ordered, April 14, 1736.
Richard Shuttleworth. Peter Bold.

Preston.—Sir Henry Hoghton; Judge-advocate.
Nicholas Fazakerley.

Lancaster.—Sir Thomas Lowther. Robert Fenwick; King's serjeant and attorney-general for the Duchy of Lancaster.

Newton.—Legh Master. William Shippen.

Wigan.—Sir Roger Bradshaigh. James earl of Barrymore.

Clithero.—William Curzon. Thomas Lister.

Liverpool.—Thomas Brereton. Richard Gildart.

LEICESTERSHIRE. — Edward Smith. Ambrose Philips; Died, a new writ ordered, Jan. 24, 1738.
Harry lord Grey; Succeeded his father as earl of Stamford, a new writ ordered, Nov. 27, 1739.
Heneage lord Guernsey.

Leicester.—Sir Geo. Beaumont; Died, a new writ ordered, April 14, 1737.
George Wrighte. James Wigley.

LINCOLNSHIRE.—Sir T. L. Saunderson; Treasurer to the Prince of Wales, succeeded his brother as earl of Scarborough; a new writ ordered, Feb. 6, 1740.
Robert Vyner. Thomas Whichcote.

Lincoln.—Charles Monson; Vice-chamberlain to the Queen.
Coningsby Sibthorpe.

Boston.—Albemarle Bertie; Fifth brother to Robert duke of Ancaster.
Richard Fydell.

Great Grimsby.—Robert Knight; Son of Robert Knight, esq. cashier of the South Sea company, afterwards lord Luxborough, and member for Castle-rising.
Sir Robert Sutton.

Stamford.—William Noel; Made one of his Majesty's counsel at law, and a new writ being ordered, Feb. 6, 1738, he was re-elected.
John Proby.

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Grantham.—John visc. Tyrconnel. Sir M. Newton.

MIDDLESEX.—William Pulteney. Sir Francis Child; Died, a new writ ordered, April 29, 1740.
Sir Hugh Smithson.

Westminster.—Sir Charles Wager; First lord of the Admiralty.
William lord Sundon.

London.—Sir John Barnard. Micajah Perry. Humphry Parsons; A second time lord mayor of London; died in his mayoralty, 1741, no new writ issued.
Robert Willimot.

MONMOUTHSHIRE.—Thomas Morgan; Lord-lieutenant of this county.
John Hanbury; South Sea director; died, a new writ ordered, Feb. 11, 1735.
C. Hanbury Williams; Made paymaster of his Majesty's marine regiments; and a new writ being ordered, Dec. 4, 1739, he was re-elected.

Monmouth.—Lord Charles Noel Somerset.

NORFOLK.——Sir Edmund Bacon. William Wodehouse; Died, a new writ ordered, Mar. 3, 1737.
Armine Wodehouse.

Norwich.—Waller Bacon; Died, a new writ ordered, Feb. 11, 1735.
Horatio Walpole; Cofferer, auditor of the Plantations, and ambassador-extraordinary to the States General.
Thomas Vere.

Lynn-Regis.—Sir C. Turner; Died, a new writ ordered, Feb. 1, 1739.
Sir Robert Walpole. Sir John Turner; nephew of sir Charles, who died in Nov. 1738, and son of sir John, who died in Jan. following.

Great Yarmouth.—Wm. Townshend; Died, a new writ ordered, Feb. 7, 1738.
Edward Walpole; Joint secretary of the Treasury, clerk of the Pells in his Majesty's Exchequer, and master of the Pleas in the Pipe office.
Roger Townshend.

Thetford.—Sir Edmund Bacon; Died, a new writ ordered, Feb. 1, 1739.
Charles Fitzroy. Lord Augustus Fitzroy.

Castle-rising.—Thomas Hanmer; Died, a new writ ordered, April 5, 1737.
Charles Churchill; Groom of the Bedchamber to his Majesty, and a major-general.
William visc. Andover.

NORTHAMPTONSHIRE.—Sir Justinian Isham; Died, a new writ ordered, March 14, 1737.
Thomas Cartwright. Sir Edmund Isham.

City of Peterborough.——Edward Wortley. Armsted Parker.

Town of Huntingdon.—Geo. Compton. Will. Wilmer.

Brackley.—Sir Paul Methuen. George Lee.

Higham Ferrers.—John Finch.

NORTHUMBERLAND.——Ralph Jenison; Made master of his Majesty's buck-hounds; and a new writ being ordered, June 20, 1737, he was re-elected.
Sir William Middleton.

Newcastle upon Tyne.—Walter Blacket; Eldest son of sir William Calverley, bart. married the heiress of sir William Blacket, bart. and took his sirname.
Nicholas Fenwick.

Morpeth.—Henry visc. Morpeth; Succeeded his father as earl of Carlisle; a new writ ordered, May 9, 1738.
Sir Henry Liddell. Henry Furnese.

Berwick upon Tweed.—Hugh lord Polwarth; Succeeded his father as earl of Marchmont; a new writ ordered, Mar. 6, 1740.
George Liddell; Died; a new writ ordered, March 6, 1740.
W. Wildman, visc. Barrington.
Thomas Watson.

NOTTINGHAMSHIRE.—William Levinz, junior. Thomas Bennet; Died; a new writ ordered, Feb. 1, 1739.
John Mordaunt; Brother to the earl of Peterborough.

Nottingham.—Borlace Warren.
John Plumptre.

East Retford.—John White; Trustee for Georgia.
Sir Robert Clifton.

Newark upon Trent.—James Pelham. Richard Sutton; Governor of the island of Guernsey, and colonel of a regiment of foot; died, a new writ ordered, Jan. 24, 1738.
Lord William Manners.

OXON.—Sir Wm. Stapleton; Died, a new writ ordered, Jan. 18, 1740.
Henry Perrot; Died, a new writ ordered, Feb. 8, 1740.
Sir James Dashwood. Geo. Henry visc. Quarendon.

University of Oxford.—George Clark; Fellow of All Souls College; died, a new writ ordered, Feb. 1, 1737.
William Bromley. William Bromley; Son of the former; died; a new writ ordered, March 21, 1737.
Edward Butler; Principal of Magdalen College.

Oxford.—Matthew Skinner; Serjeant at Law, and Recorder of this City, made Chief Justice of Chester; a new writ ordered, Feb. 1, 1739.
Thomas Rowney. James Herbert; Died, a new writ ordered, Nov. 28, 1740.
Philip Herbert.

Woodstock.—John Spencer. James Dawkins.

Banbury.—William Knollys (called) viscount Wallingford; Major in the Horse Guards; died, a new writ ordered, Nov. 18, 1740.

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William Moore.

RUTLANDSHIRE.—James Noel. Thomas Noel.

SALOP.—Sir John Astley. Corbet Kynaston; Died, a new writ ordered, Nov. 18, 1740.
Richard Lyster.

Shrewsbury.—William Kynaston. Sir Richard Corbet.

Bridgnorth.—Thomas Whitmore.
Grey James Grove.

Ludlow.—Hen. Arth. Herbert. Richard Herbert.

Great Wenlock.—Samuel Edwards; Died, a new writ ordered, Feb. 1, 1739.
William Forrester. Brooke Forrester.

Bishop's Castle.—Edward Kynaston.
Robert Moore.

SOMERSETSHIRE.—Sir Wm. Wyndham; Died, a new writ ordered, Nov. 18, 1740.
T. Strangeways Horner. Thomas Prowse.

Bristol.—Sir Abraham Elton. Tho. Coster; Died, a new writ ordered, Nov. 15, 1739.
Edward Southwell; Principal Secretary of State for Ireland.

Bath.—John Codrington. George Wade.

Wells.—George Hamilton. Thomas Edwards, jun.; Both not duly elected.
William Peirs. George Speke.

Taunton.—H. W. Berk. Portman. Francis Fane.

Bridgwater.—G. B. Doddington. Thomas Palmer; Died, a new writ ordered, March 24, 1735.
Charles Wyndham.

Minehead.—Francis Whitworth. Alexander Luttrell; Died, a new writ ordered, June 16, 1737.
Sir Wm. Codrington; Died, a new writ ordered, Feb. 1, 1739.
Thomas Carew.

Ilchester.—Charles Lockyer. Sir Robert Brown.

Milborn Port.—T. Medlycott, jun. Michael Harvey.

SOUTHAMPTON.—Lord Harry Powlett. Edward Lisle.

Winchester.—Powlett St. John; Brother to the lord St. John of Bletsoe.
George Brisges.

Southampton.—Sir William Heathcote. Anthony Henley, and John Conduit; Double Return; the former voted not duly elected; the latter died, a new writ ordered, June 1, 1737.
Thomas Lee Dummer.

Portsmouth.—Philip Cavendish. Tho. Lewis; Died, a new writ ordered, Feb. 1, 1737.
Charles Stuart; Vice-Admiral of the White; died, a new writ ordered, Feb. 12, 1741.
Edward Vernon; Admiral of the Squadron in the West Indies.

Yarmouth.—Lord Harry Powlett; Made his election for the county; a new writ ordered, Feb. 17, 1737, upon the petition against him being withdrawn.
Paul Burrard; Died, a new writ ordered, Jan. 15, 1736.
Anthony Chute. Thomas Gibson; Cashier of the Pay-Office.

Petersfield.—Sir Wm. Jolliffe. Edw. Gibbon.

Newport.—William Fortescue; Made a Baron of the Exchequer; a new writ ordered, Feb. 10, 1736.
George-Huxley. Gustavus visc. Boyne; Made a Commissioner of his Majesty's revenue in Ireland; and a new writ being ordered, June 21, 1737, he was re-elected.

Stockbridge.—John Montagu; Died; a new writ ordered, Feb. 11, 1735.
Sir Humphry Monoux. John Berkeley.

Newtown.—James Worsley. Thomas Holmes.

Christ-Church.—Edward Hooper, jun. Joseph Hinxman; Died; a new writ ordered, March 24, 1740.
Charles Arm. Powlett.

Lymington.—Sir John Cope. Maurice Bockland; Colonel in the Foot Guards.

Whitechurch.—John Selwyn, jun.; Treasurer to the Duke and the two Princesses.
John Conduit; Made his election for Southampton; a new writ ordered, April 10, 1735, upon his being voted duly elected.
John Mordaunt; Colonel in the Foot Guards, made one of the Equerries to his Majesty; and a new writ being ordered, June 20, 1737, he was re-elected.

Andover.—John Pollen. William Guidott.

STAFFORDSHIRE.—Sir Walt. Wag. Bagot.
Will. Levison Gower.

Litchfield.—Geo. Venab. Vernon. Sir Rowland Hill.

Stafford.—Thomas Foley; Died, a new writ ordered, Jan. 24, 1738.
William Chetwynd. John viscount Chetwynd.

Newcastle under Line.—Bapt. Lev. Gower. John Lawton; Chief Clerk of the Sureties in the Excise; died, a new writ ordered, Nov. 18, 1740.
Randle Wilbraham.

Tamworth.—Lord John Philip Sackville; Captain of a Company of Foot.
George Compton; Upon his being voted duly elected for Northampton, he made his election for that town; and new writs were ordered, March 26, 1735.
Charles Cotes.

SUFFOLK.—Sir Robert Kemp; Died, a new writ ordered, Feb. 11, 1735.
Sir Jermyn Davers. Sir Cordell Firebrace.

Ipswich.—Samuel Kent; Distiller to the Court.
William Woolaston; Trustee for Georgia.

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Dunwich.—Sir George Downing. Sir Orlando Bridgeman; Commissioner of Trade and Plantations, made Governor of Barbadoes; a new writ ordered, Feb. 14, 1738.
William Morden.

Orford.—Richard Powys. Lewis Barlow; Died, a new writ ordered, Jan. 25, 1738.
John Cope; Colonel of a regiment of dragoons in Ireland.

Aldborough.—George Purvis; Made a Commissioner of the Navy; and a new writ being ordered, Feb. 19, 1735, he was re-elected and died; a new writ ordered, March 24, 1741.
William Conolly. Francis Gashry; Commissioner of the Sick and Wounded.

Sudbury.—Edw. Stephenson. Richard Price.

Eye.—Stephen Cornwallis. John Cornwallis; Equerry to the Prince of Wales.

St. Edmundsbury.—Thomas Norton. Thomas Hervey; Made Surveyor of his Majesty's Gardens; and a new writ being ordered, May 16, 1738, he was re-elected.

SURRY.—Thomas Scawen. Arthur Onslow.

Southwark.—Tho. Inwen. Geo. Heathcote.

Blechingly.—Sir William Clayton.
Kenric Clayton.

Ryegate.—Sir Joseph Jekyll; Died; a new writ ordered, Feb. 7, 1739.
James Cocks. John Harvey.

Guilford.—Richard Onslow; Succeeded his father as lord Onslow; a new writ ordered, Nov. 18, 1740.
Richard Onslow. Denzil Onslow.

Gatton.—William Newland; Died; a new writ ordered, May 9, 1738.
Paul Docminique; Died; a new writ ordered, March 27, 1735.
George Newland; Professor of Geometry at Gresham College.
Charles Docminique.

Haslemere.—James Oglethorpe. Peter Burrel; Sub-Governor of the South Sea Company.

SUSSEX.—James Butler. Henry Pelham.

Chichester.—James Brudenell; A Commissioner of Trade and Plantations, and Groom of the Bedchamber to his Majesty.
Thomas Yates.

Horsham.—Charles Eversfield. Henry Ingram; Made Commissary of the Stores and Provisions in the Island of Minorca; and a new writ being ordered, May 15, 1736, he was re-elected, and succeeded his brother as Viscount Irwin in Scotland; a new writ ordered, Feb. 1, 1737.
Charles Ingram.

Midhurst.—Thomas Bootle. Bulst. Peach. Knight; Died; a new writ ordered, Jan. 23, 1736.
Sir Hen. Peachey; Died; a new writ ordered, Jan. 24, 1738.
Sir John Peachey.

Lewes.—Thomas Pelham. Thomas Pelham; Died, a new writ ordered, Jan. 24, 1738.
John Morley Trevor.

New-Shoreham.—John Phillipson; Made a Commissioner of the Navy; and a new writ being ordered, May 22, 1739, he was re-elected.
Thomas Frederick; Died; a new writ ordered, Nov. 18, 1740.
John Frederick.

Bramber.—Sir Harry Gough. Harry Gough.

Steyning.—Hen. marq. of Carnarvon; Lord of the Bedchamber to the Prince of Wales.
Sir Robert Fagg; Died, a new writ ordered, Nov. 18, 1740.
Hitch Younge.

East-Grinstead.—Charles earl of Middlesex. Edward Conyers; Gentleman of the Privy Chamber to his Majesty.

Arundel.—John Lumley; Groom of the Bedchamber to the Prince of Wales, and Colonel in the Guards; died, a new writ ordered, Nov. 15, 1739.
Sir John Shelley. Garton Orme.

WARWICKSHIRE.—Sir Charles Mordaunt.
Edward Digby.

Coventry.—Sir Adolph. Oughton; Died, a new writ ordered, Feb. 1, 1737.
John Bird; Made a Commissioner of the Stamp-Office.
John Neale; His election declared void.
George earl of Euston. John Neale; Comptroller of the Household to the young Princesses.

Warwick.—Sir William Keyte; Wm. Bromley, jun.; Both not duly elected.
Thomas Archer. Henry Archer.

WESTMORELAND.—Anthony Lowther. Daniel Wilson.

Appleby.—Sir John Ramsden. Walter Plumer.

WILTSHIRE.—John Howe; Created lord Chedworth at the end of this Parliament.
John Ivory Talbot.

New Sarum.—Peter Bathurst. Henry Hoare; Banker in London.

Wilton.—Robert Herbert; Made a Commissioner of Trade and Plantations, and a new writ being ordered, June 20, 1737, he was re-elected.
William Herbert; Made one of the Grooms of the Bedchamber to his Majesty; and a new writ being ordered, April 22, 1740, he was re-elected.

Downton.—Anthony Duncombe.
Joseph Wyndham Ashe.

Hindon.—Stephen Fox; Made his election for Shaftsbury.
George Fox; Son-in-law and heir of lord Bingley.
Henry Fox; Made Surveyor General of his Majesty's works, and a new writ being ordered, June 17, 1737, he was re-elected.

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Heytesbury.—Edward Ashe. Peirce A'court.

Westbury.—George Evans. John Bance.

Calne.—Walter Hungerford. Wm. Ducket.

Devizes.—Francis Eyles. Sir Joseph Eyles; Remitter for the Crown; died, a new writ ordered, Feb. 18, 1740.
John Garth; Recorder of this Borough.

Chippenham.—Richard Long. Rogers Holland; Made a Welsh Judge; a new writ ordered, June 16, 1737.
Edward Bayntun Rolt.

Malmesbury.—Giles Earle; Made a Lord of the Treasury; and a new writ being ordered, June 20, 1737, he was re-elected.
Will. Rawlinson Earle; Made Clerk of his Majesty's Ordnance; and a new writ being ordered, Dec. 18, 1740, he was re-elected.

Cricklade.—William Gore; Died; a new writ ordered, Nov. 15, 1739.
Sir Thomas Read. Charles Gore.

Bedwin.—William Sloper; Deputy Cofferer of his Majesty's household.
Robert Murray; Colonel of a regiment of foot, and a Brigadier-General; died, a new writ ordered, March 29, 1738.
Edward Popham.

Ludgershall.—Daniel Boone. Peter Delmé.

Old Sarum.—Thomas Pitt; Made his election for Oakhampton.
William Pitt. Robert Nedham.

Wotton Basset.—Sir Robert Long. Nicholas Robinson; Captain of a Sloop to prevent Smuggling.

Marlborough.—Francis Seymour. Edward Lisle; Made his election for the county of Southampton; a new writ ordered, Feb. 17, 1737.
John Crawley.

Worcestershire.—Sir H. Perot Packington. Edmund Lechmere.

Worcester.—Richard Lockwood.
Samuel Sandys.

Droitwich.—Edward Foley. Thomas Winnington; Made a Lord of the Treasury, and a new writ being ordered, May 19, 1736, he was re-elected, and made Cofferer of his Majesty's Household at the expiration of this Parliament.

Eversham.—William Taylor; Counsellor at Law, and Recorder of this Borough; died, no new writ issued.
Sir John Rushout.

Bewdley.—William Bowles; Made his election for Bridport.
Phineas Bowles; Colonel of a regiment of dragoons in Ireland, and a Brigadier-General on the Irish establishment, afterwards a General.

Yorkshire.—Cholmond. Turner. Sir Myles Stapylton.

York.—Sir John Lister Kaye. Edward Thompson; Made a Lord of the Admiralty at the end of this Parliament.

Kingston upon Hull.—George Crowle; Made a Commissioner of the Navy, and a new writ being ordered, May 9, 1738, he was re-elected.
Henry Maister.

Knaresborough.—Sir Henry Slingsby. Rich. Arundel; Made Master-worker of the Mint; and a new writ being ordered, June 20, 1737, he was re-elected.

Scarborough.—William Thompson. Sir Wm. Strickland; Died, a new writ ordered, Jan. 15, 1736.
Thomas visc. Dupplin; Not duly elected.
William Osbaldeston.

Rippon.—William Aislabie; Made one of the Auditors of the Imprests; and a new writ being ordered, Jan. 24, 1738, he was re-elected.
Thomas Duncombe.

Richmond.—John York. Sir Conyers D'Arcy.

Hedon.—Sir Fra. Boynton; Died, a new writ ordered, Nov. 15, 1739.
George Berkeley. Henry Pulteney; Brigadier-General of his Majesty's Forces.

Boroughbridge.—James Tyrrel.
George Gregory.

Malton.—Sir Will. Wentworth. Henry Finch.

Thirsk.—Sir Tho. Frankland.
Frederick Frankland.

Aldborough.—Henry Pelham; Made his election for the county of Sussex; a new writ ordered, Feb. 12, 1735.
William Jessop; Died, a new writ ordered, Feb. 12, 1735.
John Jewkes. Andrew Wilkinson.

Beverley.—Sir Charles Hotham; Groom of the Bedchamber to his Majesty, and Colonel of a regiment of foot; died, a new writ ordered, Jan. 24, 1738.
Ellerker Bradshaw. Charles Pelham.

Northallerton.—Hen. Peirse. Leonard Smelt; Died, a new writ ordered, Nov. 18, 1740.
William Smelt.

Pontefract.—Sir Will. Lowther.
John visc. Galway.

CINQUE PORTS.

Hastings.—Tho. Pelham, jun. Sir William Ashburnham; Made Receiver of the Compositions in his Majesty's Office of Alienations; and a new writ being ordered, April 3, 1735, he was re-elected.

Dover.—David Papillon. Thomas Revell; One of the Commissioners of the Victualling Office.

Sandwich.—Josiah Burchet. Sir George Oxenden.

Hythe.—Hercules Baker; Made Treasurer of Greenwich Hospital; and a new writ being ordered, March 29, 1736, he was re-elected.

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William Glanville; Made a Commissioner of the Revenue in Ireland; and a new writ being ordered, June 20, 1737, he was re-elected.

New Romney.—David Papillon; Made his election for Dover.
Stephen Bisse. Sir Robert Austen.

Rye.—Sir John Norris; Commander in chief of his Majesty's fleet, and vice-admiral of England.
Phillips Gybbon.

Winchelsea.—Robert Bristow; Died, a new writ ordered, Jan. 24, 1738.
E. Hungate Beaghan; Gentleman of the privy chamber to his Majesty.

Seaford.—Sir W. Gage. William Haye; Made a commissioner of the Victualling Office; and a new writ being ordered, May 16, 1738, he was re-elected.

WALES.

ANGLESEA.—Nicholas Bayley.

Beaumaris.—Richard visc. Bulkeley; Died, a new writ ordered, April 6, 1739.
James visc. Bulkeley.

BRECON.—John Jefferies.

Brecon Town.—John Talbot; Made a Welsh judge; and a new writ being ordered, April 1, 1740, he was re-elected.

CARDIGAN.—Walter Lloyd.

Cardigan Town.—Richard Lloyde.

CAERMARTHEN.—Sir Nich. Williams.

Caermarthen Town.—Arthur Bevan.

CARNARVON.—John Griffith; Died, a new writ ordered, Nov. 15, 1739.

Carnarvon Town.—Thomas Wynne.

DENBIGH.—Sir Wat. W. Wynn; Accepted the office of steward of his Majesty's lordships of Bromfield and Yale, in the county of Denbigh, on the death of his father, by a grant from queen Anne; and a new writ being ordered, Nov. 25, 1740, he was re-elected.

Denbigh Town.—John Middelton.

FLINT.—Sir Thomas Mostyn.

Flint Town.—Sir George Wynne.

GLAMORGAN.—William Talbot; Succeeded his father as lord Talbot, a new writ ordered, Feb. 24, 1737.
Bussy Mansell.

Cardiffe Town.—Herbert Windsor; Succeeded his father as lord Montjoy, in England, and viscount Windsor, in Ireland; a new writ ordered, Feb. 1, 1739.
Herbert Mackworth.

MERIONETH.—William Vaughan.

MONTGOMERY.—Price Devereux; Succeeded his father as viscount Hereford; a new writ ordered, Nov. 18, 1740.
Robert Williams.

Montgomery Town.—William Corbet.

PEMBROKE.—John Campbell; Made a lord of the Admiralty; and a new writ being ordered, May 20, 1736, he was re-elected.

Pembroke Town.—William Owen.

Haverford West.—Sir Erasmus Philipps.

RADNOR.—Sir Hum. Howarth.

New Radnor Town.—Thomas Lewis.

SCOTLAND.

SHIRE OF

Aberdeen.—Sir Arthur Forbes.

Air.—Brig. Gen. Ja. Campbell.

Argyle.—Sir James Campbell; Made his election for the shire of Stirling, upon his being voted duly elected; and a new writ ordered, Mar. 31, 1736.
Capt. Charles Campbell.

Banff.—Jas. Abercrombie; Captain of Foot, King's painter in Scotland, and deputy-governor of Stirling-castle.

Berwick.—Al. Hu. Campbell; Brother to the earl of Marchmont.

Bute and Caithness.—Brig. Peter Campbell; Lieutenant-governor of Portsmouth.

Clackmannan and Kinross.—James Ereskine; Secretary to the Prince for Scotch affairs.

Cromartie and Nairn.—John Campbell; Made his election for the county of Pembroke.
Alexander Brodie.

Dumfries.—Charles Areskine; Made lord-advocate for Scotland; and a new writ being ordered, June 21, 1737, he was re-elected.

Dunbarton.—John Campbell.

Edinburgh.—Robert Dundass; Made one of the senators of the college of Justice in Scotland; and a new writ ordered, June 21, 1737.
Sir Charles Gilmour.

Elgin.—Alexander Brodie.

Fife.—Sir John Anstruther.

Forfar.—Thomas Lyon; Succeeded his brother as earl of Strathmore: a new writ ordered, April 1, 1735.
William Maule.

Haddington.—John Cockburn.

Inverness.—Sir James Grant.

Kincardine.—John Falconar.

Kircudbright.—Patrick Heron.

Lanark.—Lord William Hamilton; Died, a new writ ordered, Feb. 11, 1735.
Sir James Hamilton.

Linlithgow.—Alexander Hamilton.

Orkney and Zetland.—Col. Robert Douglas.

Peebles.—Sir Alexander Murray, and Sir J. Nasmyth; Double return; the former waved his return.

Perth. Lord John Murray.

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Renfrew.—Al. Cunninghame.

Ross.—Hugh Ross.

Roxburgh.—John Rutherfurd, jun.

Selkirk.—John Murray.

Stirling.—Sir James Campbell.

Sutherland.—Sir James Ferguson; Made one of the senators of the college of Justice; a new writ ordered, March 30, 1736.
Colonel James St. Clair.

Wigtoun.—Col. William Dalrymple.

Edinburgh City.—Patrick Lindsay; Lord Provost.

Boroughs of

Kirkwall, &c.—Sir Robert Monro.

Fortrose, &c.—Duncan Forbes; Made lord-president of the college of Justice in Scotland, and a new writ ordered, June 21, 1737.
Duncan Urquhart; Lieutenant in the Foot-guards.

Elgin, &c.—William Stewart; Paymaster of foreign pensions, overseer of the King's swans, a principal King's remembrancer in the Exchequer in Scotland.

Aberdeen, &c.—John Middleton; Brigadier-general, governor of Holy Island, and purveyor of coals and candles for the guard room, Cannongate: died, a new writ ordered, May 9, 1739.
John Maule; Keeper of the register of the Sasines at Edinburgh.

Forfar, &c.—John Drummond; One of the commissioners for settling commerce.

Crail, &c.—Brig. Gen. P. Anstruther; Deputy governor of the Island of Minorca.

Dysart, &c.—Captain Thomas Leslie.

Inverkithen, &c.—Lieut.-Col. Peter Halket.

Glasgow, &c.—Colonel John Campbell.

Selkirk, &c.—James Carmichael.

Haddington, &c.—James Fall.

Dumfries, &c.—Charles Areskine; Made his election for the shire of Dumfries; a new writ ordered, April 9, 1735.
Sir John Douglas, and William Kirkpatrick; Double return; the former waved his return, and the latter was made one of the principal clerks of the court of Session in Scotland; and a new writ ordered, May 19, 1738.
Sir Robert Laurie.

Wigtoun, &c.—Captain James Stuart.

Air, &c.—Colonel James Stuart.

List of the Sixteen Peers of Scotland.

Duke of Athol
Buccleugh
Marq. of Lothian
Earl of Crawford
Sutherland
Morton
Loudon
Finlater
Earl of Selkirk
Balcarras
Dunmore
Orkney
Portmore
Hopeton
Ilay
Lord Cathcart.

Mr. Arthur Onslow rechosen Speaker.] The Commons being returned to their House,

Mr. *Henry Arthur Herbert*, burgess for the borough of Ludlow, addressing himself to the clerk, (who, standing up, pointed to him, and then sat down,) said,

That, as the continuance, and full enjoyment, of all our civil and religious rights, were part of those blessings which distinguished his Majesty's reign over us, and a due and proper use of them was what gave his Majesty the most sensible pleasure, the House was then returned from his royal presence to exercise one of their highest privileges, the free choice of a Speaker, an office of so great honour, confidence, and importance, that none but a person of the most consummate character and accomplishment should be thought of for it: That if the confusion, which he said he was then under, were observed, he hoped the House would attribute it to a just diffidence of himself, and a just awe of the greatness of the audience, and be convinced, that he could not be prevailed upon to deliver his sentiments in public, by any other motives whatever, than a true zeal for the honour and service of the House, a desire to do justice to a gentleman whose merits the House had long had experience of, and a satisfaction that he proposed to himself from the ready compliance of the House with the motion he should conclude with: That if candour, judgment, and impartiality, in conducting the debates of the House, a perfect knowledge of our laws and constitution, as well as of the business of parliament, and a just spirit to support that constitution, as well as to preserve the order, dignity and privileges, of the House, were the valuable and essential qualities required in a Speaker, he was persuaded, that no one could hesitate in making a proper choice: Then, since every gentleman must easily recollect with what general applause those great qualities were exerted, in the last parliament, by an honourable person whom, he said, he had in his eye.—That he was conscious, that what he could say would

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fall very short of what the gentleman deserved; and, should he attempt to enter particularly upon enumerating his merits, it might possibly appear, that he thought others were less sensible of them than he was, and be disagreeable to the honourable person himself, to whom alone, he said, those merits seem unknown.—To engage an approbation of him the more effectually, he desired the House to reflect in what manner he formerly rose to the chair; not, he said, by the violence or caprice of contending interests; not to serve the views of any particular set of men: No—He said, his great talents and accomplishments induced the House of Commons, in the last parliament, to invite him to the acceptance of that high station; and, as their unanimous concurrence placed him there, the universal approbation his conduct met with fully justified the prudence of their choice; but whatever were their first impressions, or the reasons that then prevailed in his favour, those certainly must now, he said, be of much greater weight by the proofs he had given of his abilities, in discharging that important trust so manifestly to the honour of the House, and so agreeably to the esteem and character that he bore in the world.—In justice therefore to his conduct, and in acknowledgement of his services, he took the liberty, he said, of moving, "That the right honourable Arthur Onslow, esquire, might take the chair as Speaker." Then

The Honourable *James Cholmondeley*, burgess for the borough of Camelford, addressing himself likewise to the Clerk, who standing up, pointed to him, and then sat down, said,

That the experience, that so many gentlemen present had of the great honour, integrity, and ability, of the honourable person recommended to the House upon this occasion, would, he hoped, excuse the liberty he then took, he said, of expressing not only his consent, but likewise his earnest desire, of seeing him once more placed in the chair.—That, if the House looked back upon his conduct and behaviour, as Speaker of the late House of Commons, the many proofs the House then had of his knowledge in parliamentary affairs, must naturally induce them to conclude, that they should still find in him the same unwearied diligence and attachment to the public business, the same steady adherence to the true interest of his country, and an equal zeal and vigour in supporting the rights and privileges of the House; and therefore, he said, he flattered himself that he should meet with the unanimous concurrence of the House in the nomination of the person proposed.—That he should have sat still, being he said, sensible, that such a character wanted no assistance to make it strike deep in the favour and opinion of mankind; but that the forms of the House required that every motion should be first moved, and seconded, before it can be received; in compliance to which, he said, he then took the liberty to second the motion that had been made; and, he flattered himself, he said, that the House would not be so much wanting to themselves to neglect or overlook a character of such distinguished merit, when the House was upon the choice of a person to so high and important a trust.

And the House calling Mr. *Onslow* to the Chair, he stood up in his place, and said,

"Mr. Hardinge;

"I will not dissemble the satisfaction I have, that any behaviour of mine, in the last parliament, should in the opinion of any gentleman here, be a recommendation of me to the same duty in this. And the kind manner, with which my two honourable friends have been pleased to represent me to the House, on this occasion, is an honour I can never think too highly of, nor be too thankful to them for. But as men, in some respects, may be the best judges of themselves, I know myself too well not to think it a matter of justice in me to say to the House, that, whatever my experience in this great office has been, as it shewed me what qualities are necessary to a due discharge of it, did but too well convince me, at the same time, how much they were wanting in the administration of it in the last parliament.—I call this, Sir, a matter of justice in me to the House; but it would be imprudent also in me not to own it, where I am sensible I have too many witnesses of it. What I at first apprehended only, I soon and always felt. And, although no man ever more experienced, and surely no man ever stood more in need of, the candour and kind indulgence of the House, I dare not, it would be presumption in me to hope for that again, which, I fear, was too much tried before; and, without which I know myself unable to do, what I know too the House ought to expect from him whom they place in this high station. It is therefore incumbent on me, Sir, to desire gentlemen to consider of some other person for this im-

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portant trust, whose abilities will not want the helps which mine have done, and must do, and who will do his duty for the ease of the House, in the order and dispatch of their business, which is the design of the office, and not to the fatigue and disquiet of the House, by too great an exercise of its patience."

But the House again calling Mr. Onslow to the chair, he was taken out of his place by Mr. Herbert and Mr. Cholmondeley, who led him from the bar of the House up to the chair, where, upon the first step, he said,

"Before I go any further, gentlemen have an opportunity to recall what they have done, and to suffer me to return to my own place, in order to their choosing some other person more capable of this."

But the members cried "No! no!"

Whereupon Mr. *Onslow* ascended the upper step; and standing there, said,

"Since gentlemen have commanded me hither, I beg leave to return them my humblest thanks for the great honour they have conferred upon me; but, as it is to a painful service, which may be too much for me again, I hope gentlemen will permit me to lay my infirmities before his Majesty, and implore his leave to the House to make another choice, which, upon recollection, may be more pleasing to gentlemen, and more for the public benefit, than what they have now done."

The House cried "No! no!

And thereupon he sat down in the chair; and then the mace, which before lay under the table, was laid upon the table.

The Speaker's Speech on being presented and approved of.] January 23. The King being seated on the throne, adorned with his crown and regal ornaments, and attended with his officers of state; the prince of Wales, in his robes, sitting in his place on his Majesty's right hand; the Lords being also in their robes; commanded the gentleman usher of the Black Rod to let the Commons know, "It is his Majesty's pleasure, that they attend him immediately, in this House." Who being come;

Mr. *Onslow* said,

"May it please your most excellent Majesty;

"The Commons of Great Britain, in parliament assembled, have in pursuance of your Majesty's direction, and according to their ancient right, proceeded to the election of one of their members, to be presented to your Majesty for their Speaker: and their choice, Sir, has again fallen upon me, for this important trust. An office, Sir, which almost in all times has been deemed too important and difficult for any person to undertake, without expressing his fears and dread of not performing his duty in it, and of the state thereby receiving detriment through his inabilities.—A caution, Sir, none can use better than they who have experienced the difficulty; nor your Majesty's power of remitting your Commons to another choice be better exercised, than where you, Sir, must have experienced a former insufficiency. My knowledge suggests the one: my fears the other. Both make it a matter of duty in me to be an humble suitor to your Majesty, that, in grace to your faithful Commons, your Majesty will be pleased to send them back, to re-consider what they have done; and to make choice of some other person on this occasion, more proper than I am, for their service and your royal approbation." Then,

The *Lord Chancellor*, receiving directions from his Majesty, said,

"Mr. Onslow; His Majesty, having experienced your ability and integrity in the execution of the important office of the Speaker of the House of Commons, and your zeal for his service and for the interest of your country, commands me to let you know, that he entirely approves the choice the Commons have made of you to be their Speaker: his Majesty therefore is not pleased to admit your excuse; but allows and confirms you to be Speaker."

Then Mr. *Speaker* said,

"Whatever difficulties, Sir, may attend the execution of the office your Majesty has now been pleased to confirm me in; whatever my sense may be of my inability to perform it as I ought: it is my duty to submit myself to your Majesty's commands; and to acknowledge, with all gratitude, your Majesty's grace to me, and the high honour I receive in this promotion; and to assure your Majesty, as I do, of my best endeavours to discharge this great trust with impartiality and uprightness of mind, as what I am sensible will best recommend my poor services to your favourable construction, and be most likely to induce your Majesty's pardon on my

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failings and infirmities: which I humbly implore of your Majesty; at least, that they may be imputed only to me, and in no wise to your faithful Commons. And, that your Commons in parliament may be the better enabled to perform their duty to your Majesty and their country, I do, in their name, and in their behalf, by humble petition to your Majesty, lay claim to all their ancient Rights and Privileges; particularly, "That their servants and estates may be free from arrests and all molestation. That they may enjoy freedom of speech, for the better management of their debates; and have liberty of access to your royal person, when occasion shall require it. And, That all their proceedings may receive from your Majesty the most benign interpretation."

Then the *Lord Chancellor*, by his Majesty's further commands, said,

"Mr. Speaker; His Majesty is fully satisfied of the duty and affection of the House of Commons, and of their discretion and temper. His Majesty therefore very readily grants them all their privileges, in as ample a manner as they have at any time been granted or allowed by any of his royal predecessors.—As to what you have desired with regard to yourself; his Majesty will always put the most favourable construction upon your words and actions in the execution of your duty, if you, Sir, who are so conversant in the rules and usages of parliament, should ever stand in need of it."

The King's Speech on Opening the Session.] Then his Majesty spake as follows:

"My Lords and Gentlemen,

"The present posture of affairs in Europe is so well known to you all, and the good or bad consequences, that may arise, and affect us, from the war being extinguished, or being carried on, are so obvious, that I am persuaded you are met together fully prepared and determined to discharge the great trust reposed in you at this critical conjuncture, in such a manner, as will best contribute to the honour and interest of my crown and people.

"I opened the last session of the late parliament by acquainting them, that as I was no ways engaged, but by my Good Offices, in the transactions that were declared to be the principal causes and motives of the present war in Europe, it was necessary to use more than ordinary prudence and circumspection, and the utmost precaution, not to determine too hastily upon so critical and important a conjuncture; to examine the facts alledged on both sides, to wait the result of the councils of those powers, that are more nearly and immediately interested in the consequences of the war, and particularly to concert with the States General of the United Provinces, who are under the same engagements with me, such measures as should be thought most advisable for our common safety, and for restoring the peace of Europe.

"We have accordingly proceeded in this great affair with the mutual confidence which subsists between me and the Republic; and having considered together on one side the pressing applications made by the imperial court, both here and in Holland, for obtaining succours against the powers at war with the Emperor, and the repeated professions made by the Allies on the other side, of their sincere disposition to put an end to the present troubles upon honourable and solid terms, I concurred in a resolution taken by the States General, to employ, without loss of time, our joint and earnest instances to bring matters to a speedy and happy accommodation, before we should come to a determination upon the succours demanded by the Emperor. These instances did not at first produce such explicit answers from the contending parties, as to enable us to put immediately in execution our impartial and sincere desires for that purpose: resolved, however, to pursue so great and salutary a work, and to prevent our subjects from being unnecessarily involved in war, we renewed the offer of our Good Offices in so effectual a manner, as to obtain an acceptation of them.

"In consequence of this acceptation, and of our Declaration made thereupon, to the respective powers engaged in the war, no time has been lost in taking such measures, as should be most proper to make the best use of their good dispositions for re-establishing the tranquillity of Europe: And I have the satisfaction to acquaint you, that things are now brought to so great a forwardness, that I hope in a short time a plan will be offered to the consideration of all the parties engaged in the present war, as a basis for a General Negotiation of Peace, in which the honour and interests of all parties have been consulted, as far as the circumstances of time, and the present posture of affairs would permit.

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"I do not take upon me to answer for the success of a negotiation, where so many different interests are to be considered and reconciled; but when a proceeding is founded upon reason, and formed from such lights as can be had, it had been inexcusable not to have attempted a work which may produce infinite benefits and advantages, and can be of no prejudice, if we do not suffer ourselves to be so far amused by hopes, that may possibly be afterwards disappointed, as to leave ourselves exposed to real dangers.

"I have made use of the power, which the late parliament intrusted me with, with great moderation; and I have concluded a Treaty with the crown of Denmark, of great importance in the present conjuncture. It is impossible, when all the courts of Europe are busy and in motion, to secure to themselves such supports as time and occasion may require, for me to sit still, and neglect opportunities, which, if once lost, may not only be irretrievable, but turned as greatly to our prejudice, as they will prove to our advantage, by being seasonably secured; and which, if neglected, would have been thought a just cause of complaint. This necessary confidence, placed in me, has given great weight to my endeavours for the public good.

"Gentlemen of the House of Commons;

"I have ordered the Accounts and Estimates to be prepared and laid before you, of such extraordinary Expences, as were incurred last year, and of such services, as I think highly necessary to be carried on and provided for: and whatever additional Charges shall be found necessary, shall be reduced, as soon as it can be done consistently with the common security.

"And as the Treaty with the crown of Denmark is attended with an expence, I have ordered the same to be laid before you.

"I make no doubt but I shall find in this House of Commons the same zeal, duty, and affection, as I have experienced through the whole course of my reign; and that you will raise the necessary Supplies with cheerfulness, unanimity, and dispatch.

"The sense of the nation is best to be learned by the Choice of their Representatives; and I am persuaded that the behaviour and conduct of my faithful Commons will demonstrate, to all the world, the unshaken fidelity and attachment of my good subjects to my person and government.

"My Lords and Gentlemen,

"It is our happiness to have continued hitherto in a state of peace; but whilst many of the principal powers of Europe are engaged in war, the consequences must more or less affect us; and as the best concerted measures are liable to uncertainty, we ought to be in a readiness, and prepared against all events; and if our Expences are in some degree increased, to prevent greater, and such as if once entered into, it would be difficult to see the end of, I hope my good subjects will not repine at the necessary means of procuring the blessings of peace, and of universal tranquillity, or of putting ourselves in a condition to act that part, which may be necessary and incumbent upon us to take."

Debate in the Lords on the Address of Thanks.] His Majesty having retired, their lordships immediately took the said Speech into consideration. As soon as it was read, the duke of Newcastle moved:

"That an humble Address be presented to his Majesty, to return the Thanks of this House, for his most gracious Speech from the throne.

"To acknowledge his Majesty's paternal care and tenderness for the welfare of his people, in employing his unwearied endeavours to prevent their being unnecessarily involved in the present war, and concerting measures with the States General for restoring the public tranquillity.

"To declare the great satisfaction this House conceives, in the good offices of his Majesty and that Republic being accepted by all the parties engaged in the war; and to express their thankfulness for his Majesty's vigilance, in losing no time to carry on this salutary work to such a degree, that a plan may shortly be offered as a basis for a general negotiation.

"To assure his Majesty, that this House is incapable of being so far amused by any hopes, as to leave the security of his Majesty and his kingdoms exposed to real dangers: and that they will cheerfully support him in all such measures as may be necessary, for procuring the blessings of peace, or for putting this nation in a condition to act that part which it may be incumbent on Great Britain to undertake.

"To assure his Majesty, that this House can entertain no doubt but he will find the same unshaken fidelity from all his good subjects, which he so justly expects; and that this House doth unfeignedly consider

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the maintenance of the religion and liberties of this nation, as entirely involved in the security of his sacred person and government, and of the succession in his royal House, and in transmitting these invaluable blessings to posterity."

This Motion was seconded by lord Hinton, and was introduced with Speeches, the Substance of which was as follows:

My Lords, as this nation was no way concerned in the transactions, which were declared to be the principal causes and motives of the present war in Europe, I cannot but admire the wisdom of his Majesty's conduct, in preventing this nation's being any way engaged in it; but, my Lords, when the sword is once drawn, it is impossible to foretell how far it may be carried, or when it will be put up. The parties engaged may, as yet, be moderate in their expectations, as well as their demands; but success of either side may elate the minds of the victors, and make them resolve to carry their conquests much farther, than they at the beginning really intended, and farther than is consistent with the balance of power, or the liberties of Europe; and therefore, though this nation was, at first, no way concerned with the motives or causes of the war, yet it may at last come to be very deeply concerned in the event. For this reason it became necessary, as soon as the war broke out, to put this nation not only in a proper posture of defence, but in a condition to act with vigour, in case of need; and in this the wisdom of his Majesty's councils is not less conspicuous, than the care he has taken not to engage us too hastily in the war.

The most ambitious designs, my lords, may sometimes be concealed under the most plausible pretences; but to penetrate into the most secret springs, and to discover the real views of the parties concerned, there was no method more certain or more effectual, than that which his Majesty has taken. To make an offer of his good offices, for composing the present unhappy differences of Europe; and, in pursuance of the acceptation of his good offices, to propose such a plan of peace as may be consistent, as much as possible, with the honour and interest of all the parties engaged in war, is a certain and an infallible way to discover, whether any of them have secret views, which are inconsistent with the general interest of Europe; and if any such views should be discovered, then will it be proper and necessary for his Majesty, and the other princes and states of Europe, to join together, and concert such measures as may defeat those ambitious views, wherever they may be found lurking and concealed.

This, my Lords, was the most prudent and the most effectual measure which his Majesty could pursue; and, in the pursuit of this measure, he has taken all those steps which the most consummate wisdom could direct: he has taken care, that neither of the parties concerned should have the least reason to suspect his being any way partial in the affair; and he has, in every thing, acted in concert with the States General of the United Provinces, who are our most natural allies, and who are under the same engagements with him. By this concert, if there be any prince or state in Europe, that entertains an ambitious view of conquest, they will be made to see, that, as soon as their views are discovered, they must expect to be attacked by the united force of Great Britain and Holland; and there is no more effectual way of preserving the peace of Europe, than that of depriving the ambitious of all hopes of success, in any of the projects they may form against the liberties or the dominions of their neighbours.

To make this measure still more effectual, it was necessary, my Lords, not only to provide for our defence at home, but to arm ourselves with alliances abroad, and to engage as many of the princes and states of Europe, not already concerned in the war, as we could, in the same salutary measures: for this reason we cannot but applaud his Majesty's conduct, in having concluded a treaty with the king of Denmark; by which, and by the other treaties which his Majesty may hereafter conclude, it is not to be doubted, but that he will be enabled to put a stop to the victorious arms of either of the parties engaged in war, in case they should attempt to carry their successes and their conquests farther than may be consistent with the balance of power in Europe.

At the same time, my Lords, we cannot but admire his Majesty's prudence and moderation, in the use he has made of that power, which was so reasonably granted to him by the last session of last Parliament, with respect to the additions he has been pleased to make to the naval or land forces of this kingdom: the additions made to either are but very inconsiderable; the principal expence has been occasioned by

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making additions to our naval force, which expence is always the least burthensome, and the most useful to this nation; and the small addition that has been made to our land forces, has been made in that way which is most convenient to the subject, and least expensive to the public: yet, my Lords, this moderate use of that power, this small additional expence which the nation has been put to, joined with the prudent measures which his Majesty has pursued abroad, has already, we see, produced extraordinary effects. It has already produced an acceptation of his Majesty's good offices, for composing the differences now subsisting in Europe; and it is not to be doubted, but that a continuance of the same vigorous measures, will produce a general agreement to that plan of peace which his Majesty, in conjunction with his allies, is to propose to the parties engaged in the present war.

As these measures, and the good effects of them, have proceeded from that concord and confidence which have hitherto subsisted between his Majesty and his Parliament, so the good effects which we are yet to expect from them, must entirely depend upon the powers at war being convinced, that the same concord and confidence do still subsist; and therefore I shall take the liberty to move your lordships, That, &c. (as before-mentioned.)

To this Motion an Amendment was proposed, "That all the intermediate paragraphs between the first and last should be left out, and that the Motion should stand thus:

"To return his Majesty their unfeigned thanks for his most gracious speech from the throne; and to acknowledge the felicity they enjoyed, in his Majesty's having always esteemed the interest of sovereign and subject as mutual and inseparable, and having made the due execution and observance of the laws the rule of his government; and to assure his Majesty, that they were determined to convince the world, by a steady course of loyalty, that they considered the maintenance of the irreligion and liberties, as being involved in the support of his Majesty's person and government, and in the preservation of the Protestant succession in his royal House; and that it was their unalterable purpose, to transmit these invaluable blessings to posterity."

The Argument for this Amendment was to the effect as follows:

My Lords, the members of this House, who are in the same situation with me, must labour under a very great disadvantage, when they are to give their sentiments of what is proposed upon any such occasion as the present. As we know nothing of his Majesty's speech, till we hear it from the throne, nor any thing of the motion intended to be made, till we hear it in this House, it cannot be supposed that we can speak so exactly or methodically to it as otherwise we might. If I had the motion, my Lords, in my hand, I could exactly point out the paragraphs I am to speak to; but as I have not, I hope your lordships will allow me to speak from the notes I have taken of it; and if I have mistaken any of the paragraphs, I hope those lords, who are better acquainted with it than I am, will endeavour to set me right. I shall readily admit, that the motion made by the noble duke, has been drawn up with a great deal of zeal and prudence; and I believe it has been concerted with as much care and caution, as was consistent with the design.

The first paragraph, my Lords, is, in my opinion, a very proper return, from this House, to his Majesty's speech from the throne; and the last paragraph is a declaration of our zeal and affection for his Majesty, and his illustrious family, which I think proper upon all occasions, and even necessary at the beginning of a new Parliament, especially at such a conjuncture as the present: these two paragraphs therefore will, I am convinced, appear highly reasonable to every lord in this House; but as for all the intermediate paragraphs, it is my opinion, that they descend too much into particulars for this House to agree to, without some farther information than we have, as yet, before us.

I hope, my Lords, our affairs are in the condition represented to us in his Majesty's speech; but, as I shall always have a great regard for the honour and dignity of parliament; and as speeches from the throne have always, in the language of this House, been supposed to be speeches from the ministers; therefore I cannot think it consistent with the dignity of this House to take things so much upon trust, as to depend entirely upon what they may be pleased from time to time to tell us. It was the ancient and the right method of parliament, to keep, as much as possible, to generals upon such occasions; to express their affection for the king, and their zeal for the service of the crown, but to

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avoid entering into any thing that might look like an approbation of the measures pursued by the ministers. With regard to the proceedings in this House, the descending into particulars does not, it is true, preclude us from entering into future enquiries, or from censuring what may be found to be wrong upon any such enquiry; but without doors it is otherwise; for people who are not perfectly acquainted with our methods of proceeding, which is the greatest part of mankind, look upon the Address of this House as the real sense of the House, with respect to every particular measure mentioned in that Address; and therefore, such a general approbation of all the measures that have been pursued, and the declaring our satisfaction with so many particulars, may have very bad effects, and will bring this House into contempt with the generality of mankind, if we should afterwards censure, and perhaps punish a minister, for those very measures, which we had before so fully and so particularly approved.

Speeches from the throne have always, my lords, been looked on, not only in parliament, but even without doors, as speeches drawn up by the ministers; and the design of Addresses from each House of Parliament, by way of answer or return to such speeches, has always been to testify to the world, the affection of the parliament towards the king, and their resolutions to support him in all such measures as they shall approve of. But if we should once fall into the way of answering the speech paragraph by paragraph, and approving, without either information or enquiry, of every thing which the ministers have been pleased to mention in that speech, people will then begin to think, that the Address of this House was drawn up by the ministers, as well as the speech; in which case, the design of such addresses will be entirely frustrated, they will no way affect either our friends or our enemies: In short, they will become 'Vox et præterea nihil.'

With respect to the negotiations now carrying on, for restoring the tranquillity of Europe, I hope, my Lords, they will be attended with all the success which his Majesty or the nation can desire; but from our past negotiations, I cannot think, my lords, we have any reason blindly to approve of the present. This nation has, within these few years, been engaged in a great multiplicity of different negotiations, all of them expensive, and some of them such as might have been attended with dangerous consequences: They were all intended, as we were told, to preserve the peace of Europe, and establish the public tranquillity; but if that was the real and true design, no one of them proved effectual for the purpose; the last treaty always wanted a new one, in order to carry it into execution; and thus, my lords, we have been a botching and piecing up one treaty with another, for several years. The peace of Europe and the balance of power, was to have been fully established by the treaty of Hanover; but we found it would not do, and therefore that treaty was pieced up with the treaty of Seville: This, again, we found would not do; although we had then four to one, we found it impracticable, or at least dangerous to carry it into execution, and therefore we were obliged to conclude the treaty of Vienna; By this the treaty of Seville was executed fully, indeed, of our side; but how this last treaty is to be executed I do not know; for it now appears that, to render it effectual, some new treaty is wanting, at least as much as for any of the former. Thus we have been setting up a sort of paper credit, in treaties and negotiations; and we have, I am afraid, extended it farther than our fund will be able to answer.

Whether this nation ought to have engaged in the war, is a question which it is impossible for your lordships, at present, to determine, because the treaty of Vienna has never yet been laid before this House; and if from that treaty, when laid before us, it should appear, that we were, in honour obliged to engage in the war, our agreeing now to the second paragraph of the motion, would no way contribute to the credit of this House: with respect to that treaty, the Dutch and we are upon a very different footing: by that treaty we went plumb in at once into the guaranty of all the Austrian dominions, without exception or reserve, at least with regard to any of the Christian powers; for, with respect to the Turks, I think we shewed them a little more regard, by making them an exception to our guaranty. The Dutch, indeed, agreed likewise to that treaty; but how did they agree to it, my lords? It was after long and mature deliberation, and, as I have been told, under several restrictions and limitations; so that with respect to the concluding of that treaty, it cannot be said that we acted in concert with the Dutch; and with respect to the late transactions, whether we have acted in concert with them I do not know, but I am

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certain, they have not acted in concert with us; for they concluded a treaty * of neutrality with France, before, I believe, we knew any thing of the matter; and, notwithstanding the great expences we have been at, in augmenting our forces both by sea and land, they have not yet added one man to their land forces, nor one ship to their naval, nor have they concluded one expensive treaty; nay, I do not know if they have been at the expence even of one courier, unless it was such as were sent on account of their treaty of neutrality. How then, my lords, can we talk of concerting measures with the States General, when, from what has been as yet made public, there appears to have been no other concert between us, than that we have perhaps, from time to time, acquainted them with the measures we were to take, and the expences we were to put ourselves to.

As for the acceptation of our good offices, it was very natural, both for the States General and us, since we were not engaged in the war, to offer our good offices for restoring the peace; this was the least that either of us could do, and it was natural for all the powers engaged in war to accept of that offer; it was the least that either of them could do in return; because every one of them will certainly pretend, that they are heartily inclined for peace, and are ready to agree to any reasonable terms; but when those terms come to be settled, I believe, the side that appears to be the strongest will have the most reason, and will insist upon the other's agreeing to such terms, as they may be pleased to call reasonable; and therefore, I do not think it consistent with the dignity of this House, to express our satisfaction in so solemn a manner, upon our good offices having been only accepted: and much less can I agree to our expressing, in such a particular manner, our satisfaction at a plan's being so far advanced, that it will be soon ready to be offered to the parties concerned. If this plan had not only been offered, but actually approved by all the parties concerned, it would then have been incumbent upon us to have expressed our satisfaction with so much vigilance and wisdom: but is the simple drawing up of a plan, a matter of moment, worthy of the notice of this House? Is it not in every man's power, at least every man that can write, to draw up any plan he pleases? and shall we, my lords, so solemnly take notice of what might have been done by any writing clerk in Europe? I appeal to every one of your

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* The said Instrument was as follows:

"Their High Mightinesses having made known to his most Christian Majesty, by their resolution of the 26th of August, 1733, that, at the same time that they have not concerned themselves, in any manner, either directly or indirectly, with the affairs of Poland, and that they design to have nothing to do with those affairs, nor with the broils which may ensue therefrom, they hope his most Christian majesty will consent, that the Austrian Netherlands, of which his imperial majesty is at present in possession, and which are to serve as a barrier to their republic, shall not be involved in the war which may happen upon occasion of the affairs of Poland: His most Christian Majesty, to give their High Mightinesses a mark of the pleasure he takes in the conduct they have observed, and of his desire that they should enjoy the tranquillity they endeavour to procure to themselves, has declared, and does declare, that he will not attack the Austrian Netherlands, of which his imperial majesty is at present in possession, and which, according to the treaties, are to serve as a barrier to the republic; his said most Christian Majesty reserving to himself the liberty of repulsing the hostilities which may be committed by his imperial majesty's troops in the Austrian Netherlands, in such manner, that, without breaking in upon the neutrality stipulated, and without designing to make any settlement in the Netherlands, he may secure his frontiers; and in order thereunto, make use of the needful and convenient means, according to the laws and usages of war. Their High Mightinesses on their part declare, that they will have no concern in the affairs of Poland, nor the differences which the said affairs have occasioned, or may hereafter occasion; the whole without prejudice to the alliances they have with the emperor, as they have with France, and from which alliances on both parts they do not intend to derogate; their High Mightinesses farther declaring, that they will not neglect any office to prevent any thing that can affect the tranquillity of the Austrian Netherlands; and that they will not assist the emperor therein, either by their troops, or in any other manner whatsoever.

"This convention or act of neutrality, shall be ratified by his most Christian majesty and their High Mightinesses, within the space of two months, or sooner if it can be done.

"In witness whereof, we the under written embassador of his most Christian Majesty, and deputies of their high mightinesses the Lords States-General of the United Provinces of the Netherlands, have signed the present convention, and have affixed the seals of our arms thereto.

"Done at the Hague, the 24th of November, 1733."

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lordships, if this is not exposing the proceedings of this House to the utmost contempt; and if, upon the publishing of that plan, it should appear to be no very extraordinary one, what will the world then say of these our anticipated encomiums?

His Majesty, in his Speech, has been pleased to tell us, that he has concluded a Treaty with Denmark,* which is, it seems, to be laid before the other House, and the reason given for so doing is, because it is to be attended with some expence; but this treaty we have neither seen, nor is it so much as promised to be laid before us, and therefore it is impossible to say any thing for it or against it. Whether this treaty was concluded in concert with the Dutch, I do not know; but it does not appear that they are to contribute any thing to the charge of it; and even without seeing the Treaty, I may take notice, that if the balance of power in Europe be in any danger, the king of Denmark is as much concerned in its preservation as we are; and by an express treaty between the emperor and him, he is, as much as we are, engaged to guarantee his imperial majesty's dominions. So that by this new Treaty with us, the king of Denmark has laid himself under no obligations, that I can hear of, but what he was before engaged in, both by his own interest, and by his treaties with the Emperor; and yet we are, it seems, to pay him a large annual subsidy. However, my Lords, as these matters will come in more properly to be considered, when the Treaty is laid before us, I shall at present take no further notice of them, but only to observe, that by approving of all measures in general, as is proposed by this motion, we approve of this Treaty, before we have either seen it, or know any thing about it.

If we are no way concerned in the present war, if we have given no reasonable cause of offence to any of the powers of Europe, what occasion is there, my Lords, for putting any threatening words in our Address? To assure his Majesty that we will be ready to support him in such measures as may be incumbent on us to undertake, is certainly a threatening way of expressing ourselves, and will probably be taken as such, by some of the powers now engaged in war. I wish, my Lords, we were in a better condition than we are; I wish the nation were free of that heavy load of debts, under which it groans at

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* The said Treaty consisted of the following Articles:

1. "That there shall be a perfect amity and union between their Britannic and Danish majesties, their successors, their kingdoms and their subjects.

2. "That all former treaties between the two crowns shall be deemed, renewed and confirmed by the present treaty.

3. "That the king of Denmark, when required, shall furnish the king of Great Britain with 5,000 foot and 1,000 horse, which his Britannic majesty shall take into his pay for the term of three years.

4. "That to provide for the equipment of those troops, the king of Great Britain shall give 80 crowns for each trooper, cloathed, mounted and armed; and 30 crowns for each foot soldier; one half payable after signing the treaty, and the other half when those 6,000 men shall enter into the service of his Britannic majesty: That during the time they remain in the dominions of Denmark, the king of Great Britain shall pay his Danish majesty a subsidy of 250,000 crowns a year; but that subsidy shall be reduced to 150,000 crowns a year, when those troops pass over to the service of his Britannic majesty.

5. "That the king of Great Britain shall conform to the treaty of 1701, in regard to the extraordinary of the troops, and the expence of recruiting.

6. "That his Britannic majesty shall be at liberty to employ those 6,000 men where he shall think fit, except in Italy, or at sea; neither shall they be transported into England except it be for the proper defence of the kingdoms of Great Britain and Ireland.

7. "That if the king of Denmark shall happen to be attacked, his Britannic majesty shall send him back those 6,000 men, in case they happen to be at that time in his service: furnish him besides with all the succours by sea and land, which the circumstances may require; and continue those succours till the conclusion of the treaty of peace, which his Britannic majesty shall endeavour to render as advantageous as possible to the king of Denmark. And his Danish majesty enters into the same engagements, on his side, to the king of Great Britain, with this condition, that the subjects of Denmark shall preserve, during the whole course of the present war, the full liberty of their trade with France and other places, in the same manner as in times of peace.

8. "That the performance of the conditions of this alliance shall take place, in the cases where either of the contracting parties shall have been attacked by force of arms, without having beforehand committed any act of aggression.

9. "That this treaty is for the term of three years. And,

10. "That the exchange of the ratifications shall be within two months after signing the treaty."

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present; but while we are oppressed with such a load of debts, and such a number of taxes, all mortgaged and pre-engaged, is this nation in a condition to threaten, or can we pretend to frighten the powers of Europe? We may be able, we must defend ourselves when attacked; but surely we ought not to draw an attack or an insult upon ourselves, by threatening others with what we will do, at a time when none none of our neighbours have so much as a design to disturb us, at least, in so far as we have yet been told, by those who ought to acquaint us, in case they suspect we are in any danger.

This paragraph, my Lords, is very inconsistent with the former part of the motion. By the second paragraph, we are to acknowledge his Majesty's care for the true interest of his people, in preventing their being unnecessarily engaged in a war; and, by this paragraph, we are to make use of such menacing words, as may engage his Majesty in a war whether he will or no, and whether it be the interest of his people or not. This, I say, appears to me, to be altogether inconsistent; and therefore, if these two paragraphs stand part of the motion, I hope the latter will be a little softened. But I have, I think, shewn sufficient reasons, for leaving them, and all the intermediate paragraphs out; for which reason, I shall conclude with moving for this Amendment, That, &c. as before mentioned.

The Answer made to this Argument was in substance thus:

My Lords, the noble lord who proposed the Amendment to the motion now before us, set out with such an eulogium upon it, that I imagined he was to agree with it in every particular; and I began to indulge myself, with the hopes of having the satisfaction to find, that his lordship's opinion was the same with mine. I was glad to hear his lordship acknowledge, that the motion had been drawn up with a great deal of zeal, a great deal of prudence, and a great deal of caution. In this I agree with him; for I think the motion made to us by the noble duke, is so prudently, and so cautiously worded, that I am surprized to hear the least objection made to it.

If by any such Address, my Lords, this House were to be precluded from all future enquiries; nay, my Lords, if there were any words in the Address now proposed, which might be interpreted as an express approbation of any particular measure that has been pursued, I should think there might be reason for the Amendment proposed; but as no such thing can be presumed, from any part of the motion made to us, I cannot find the least reason for such a thorough reformation, as what is proposed by the Amendment. I have as great a regard for the honour and dignity of parliament, as any lord in this House; but I likewise have a great regard for the duty and respect we owe to the King; and after his Majesty has been graciously pleased, in his Speech, to give us so full an account of his conduct, I must leave it to your lordships to consider, how odd, how disrespectful it would look in us, to take no manner of notice in our Answer, of any one thing he has told us, but only in general to thank him for his Speech from the throne, and to declare what I hope no man has just reason to doubt of. Would not people generally from thence conclude, that we regarded very little what his Majesty had told us? and would not his enemies from thence imagine, that his parliament put no confidence in him? This is what the noble duke was aware of; and therefore, to shew our respect to his Majesty, he has touched generally upon every thing, that his Majesty has been pleased to mention in his Speech; but, at the same time, his Motion is conceived in such terms, as cannot any way interfere with the honour and dignity of this House, or with any of our future proceedings.

As for our former treaties and negotiations, it is not my business, at present, to vindicate all or any of them; but as they have been taken notice of by other lords in this debate, I hope your lordships will indulge me with leave to make some few observations upon them. In treating and negotiating with foreign powers, I do not know, my lords, that any general rules can be established; for whatever rules we may prescribe to ourselves, we can prescribe none to the foreign courts we have to do with; and therefore, we must always direct our measures, according to the humours we find them in, and according to the various incidents that occur. This was the case with respect to the treaty of Hanover: A dangerous league had been formed against the honour, the trade, and the possessions of this nation: These designs we had given no occasion to, by any false step, by any provocation, or by any mismanagement on our parts; but after we found they were actually formed, it became necessary for us to concert measures

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for preventing their execution; and that was effectually done by the treaty of Hanover. This was all that was, or could be intended by that treaty, and every one knows, how effectual it proved, for the purpose it was designed; We thereby disappointed all the warlike projects of Spain against this nation; and after we had convinced them, that they could get no advantage by being at enmity with us, then, and not till then, was it a time to think of restoring a good correspondence between the two nations; and this was fully effectuated by the treaty of Seville. We had then nothing to do, but to make up that breach, which the imperial court had made between us and them, by their entering into the league with Spain against us; and by the treaty of Vienna, not only this breach was made up, but a thorough reconcilement was established, to all human appearance, between the emperor and Spain. By this last treaty therefore, it must be granted, that the affairs of Europe were put upon just such a footing as we ought to desire; and if treaties since made, or measures since pursued by foreign courts, have overturned or disturbed the establishment that was then made, surely we are not to be blamed; for I know of no treaty we have since concluded, nor any negotiation we have since carried on, except those we have lately been obliged to conclude or carry on, either for preventing the present war, or for restoring the peace of Europe; and if these last prove as effectual as our former treaties and negotiations have done, neither this House nor the nation will have any reason to find fault with them.

Now, my Lords, with respect to the several paragraphs, proposed by the amendment to be left out of the motion, let us but consider them one after another, and we shall find them all conceived in such general terms, that there can be no good reason assigned for leaving any of them out; and the respect we owe to his Majesty, must be a strong argument in favour of every one of them; because we are certainly in duty, nay, in common decency, bound to take some sort of notice, of every thing he has mentioned in his speech. By the first, we only acknowledge his Majesty's care, in preventing our being unnecessarily engaged in the war. Do we by this, my lords, either affirm or deny our being engaged, by the treaty of Vienna, or by any other treaty, to take a share in the war? Have we then any occasion to consult the treaty of Vienna, before we agree to the making of this return to his Majesty's speech? Suppose it should afterwards appear, that we were by the treaty of Vienna, or otherwise, engaged to have joined in the war at the very beginning; will what is now proposed, preclude our enquiry into that affair? or will any censure we can pass upon those who advised the contrary, shew any inconsistency in the proceedings of this House? And as to our acknowledgments to his Majesty, in relation to his having concerted measures with the Dutch, for restoring the public tranquillity; this too is conceived in such general terms, that we neither affirm nor deny his having done so; therefore, we are left at full liberty to consider this affair likewise hereafter, and to come to such resolutions, as may then appear just and reasonable.

As this paragraph of the Address proposed, is conceived in such general terms, I do not think it at all necessary for us at present to enquire, how far we are engaged by the treaty of Vienna, or how far his Majesty and the States General have proceeded in concert together; but allow me, my lords, to say something in answer to what has been alledged upon both these heads. With regard to our engagements by the treaty of Vienna; it is true the emperor has demanded succours from us, and insists that we are, by that treaty, obliged to furnish them; but as this war was occasioned by the affairs of Poland, in which we had no concern, it is certain we are no way obliged, by that treaty, or any other I know of, to furnish any succours, either to him, or to any other power now engaged in the war. Then as to the concert between the Dutch and us, though the forms of their government did not allow them to join with us at first in the treaty of Vienna, yet the negotiation antecedent to that treaty, must certainly have been carried on in concert with them, because they are named as principal contracting parties in the treaty; and they acceded to it, as soon as the necessary forms of their government would admit. Their accession may have been, for what I know, clogged with several restrictions and limitations; but whatever these restrictions and limitations were, it is certain that the emperor, in the present conjuncture, looks upon them to be as much obliged as we are, to furnish him with the stipulated succours, and has accordingly made as peremptory demands for these succours upon the Dutch, as he has made upon us.

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The treaty of Neutrality has likewise been mentioned, as concluded by the Dutch, without any concert with us. Whether the design of that treaty was communicated to this Court, I shall not take upon me to determine; but as neither the Dutch nor we had any concern in the war at the beginning, or can hereafter be any way concerned in the war, unless that barrier should be attacked, or that either of the parties engaged should attempt to carry their conquests so far, as to endanger the balance of power in Europe, surely their concluding a treaty of neutrality for that barrier, could no way concern us, nor can it be looked on as any way inconsistent with that concert, which ought to be kept up between us, especially considering, that even by that treaty they reserve to themselves a liberty of fulfilling all their engagements to the emperor, and would, notwithstanding that treaty, be at full liberty to engage in the war, if either party should, under pretence of what has happened in Poland, attempt to overturn the balance of power in Europe.

The Dutch, it is true, my lords, have not as yet made any augmentation of their forces, either by sea or land; but we may easily find a reason for it, if we will but recollect the great reduction they had actually resolved to make of their land forces, just before the present war broke out. This reduction they have ever since suspended, on account of the war, and for no other reason; and therefore it is to be looked on as an augmentation, made in concert with us, for rendering more effectual those measures we may jointly take for restoring the public tranquillity, and establishing the balance of power. From all which, I think it is evident, that the concert between the Dutch and us, which is so necessary for both our interests, has been exactly observed by both, in every measure in which we had a joint concern.

The next paragraph proposed to be left out, is that by which we declare our satisfaction in observing, that his Majesty's good offices have been accepted of; and that a plan of peace may be shortly offered to the parties concerned: as his Majesty has in his Speech, been pleased to mention both these particulars to us, it would, my lords, in my opinion, be very disrespectful in us, not to say one word of either in our Address, by way of return to his Majesty's Speech; and the noble duke has proposed to mention them in such a general manner, that I wonder to hear it found fault with. It is not to be questioned, but that all the parties engaged in war will declare, they are ready to accept of reasonable terms; such declarations are not, indeed of any great consequence; but, my lords, the acceptation of good offices is a great deal more; it is in some manner the accepting of a mediation, and submitting, as it were, to the arbitration of a third party. Declarations may perhaps be easily obtained, and may be of no effect when obtained; but the acceptation of a mediation, or of good offices, is not so easily obtained; we know that they have been often refused, and the accepting of them always shews a great deference and respect to the power whose good offices are accepted of; and therefore it is no way beneath the dignity of this House to declare our satisfaction in observing, that his Majesty's good offices have been accepted.

As to the plan to be offered to the consideration of the parties concerned, if, by what is proposed, we were to declare our approbation of that plan, there would be some reason for the objection made; but as we are to declare nothing in relation to the plan itself, and as we must presume, that no plan will be offered by his Majesty, but such a one as he thinks all parties concerned ought to accept, the acknowledging his Majesty's vigilance for the repose of Christendom, in that respect, cannot surely be any way inconsistent with the dignity of this House, nor can it be attended with any bad consequences; for if this House should afterwards find fault with the plan offered, and should resolve to censure those who advised it, there is nothing in the motion now before us, that can any way obstruct or prevent such a proceeding.

The last paragraph found fault with is said to be a threatening paragraph, and we have been told, that the nation is not now in a condition to threaten. Upon this, my lords, I shall observe, in general, that if the nation be in no condition to threaten, we are the more obliged to his Majesty for the care he has taken to prevent our being unnecessarily engaged in the present war. But, my lords, I cannot agree with the noble lord in thinking that there is a threat, or any thing like a threat in this paragraph; and if there were, I am very sure it cannot be supposed to be levelled against any but those who may deserve, and must expect something more than threats, let the nation be in what condition it will: what is said in this paragraph, cannot be presumed to be le-

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velled against any but those who shall endeavour to amuse us with vain hopes, in order to bring the security of his Majesty and his kingdoms into real danger, by overturning the balance of power in Europe: in such a case, though this nation might not perhaps, be directly and immediately attacked, yet, it is to be hoped, we should not look quietly and cowardly on, till it was out of our power to defend ourselves: it is not to be doubted, but his Majesty would, in time, concert proper measures for the security and preservation of his crown and kingdoms; and, I hope, this House will always be ready to support his Majesty in all such measures. Therefore, my lords, if there be at present no power in Europe endeavouring to amuse us with such hopes, there is nothing in this paragraph that can be taken as a threat by any power in Europe; and if there be any such designs secretly harboured, those who harbour them, not only deserve to be threatened, but they ought to be attacked as soon as they attempt to put them in execution.

The late treaty with Denmark is not so much as mentioned in the motion now made to us, and therefore I cannot see what we have to do with it at present. His Majesty has indeed told us, that he has concluded such a treaty; and he has told the other House, that it is to be laid before them, because it is to be attended with some expence: this, my lords, is the only reason his Majesty can have for laying any treaty before either House of Parliament, before it be called for by the House; and as that expence is to be first considered by the other House, therefore his Majesty told them, that he had ordered the treaty to be laid before them; but if any of your lordships has a mind to move for that Treaty's being laid before this House, I shall be so ready to agree to it, that I shall second the motion; and till it be laid before us, I cannot see how it can properly come under our consideration. However, I shall in the mean time, make this general remark, that if we should have the misfortune of being obliged to engage in the war, it must be granted, that it would be very proper to have Denmark of our side, and that therefore it was not only proper but necessary to conclude this treaty with them; for if this treaty had not been concluded, every one may judge what sort of treaty would have been concluded with that court.

Thus, my lords, I hope I have shewn, that there is nothing in the motion made to us by the noble duke, that is any way inconsistent with the honour and dignity of this House; that there is nothing but what is necessary for shewing our duty and respect to his Majesty; and therefore I hope your lordships will be of opinion with me, that there is no occasion for the amendment proposed.

To this it was replied in substance as follows:

The doctrine, now laid down to us, seems to me, my Lords, extremely new, absolutely inconsistent with the ancient method of proceeding in Parliament. We are now told, that we shall be wanting in that respect, which is due to his Majesty, if we do not in our address take some notice of every particular mentioned in his Majesty's speech. This, my Lords, is something very extraordinary: the ancient, and what ought to be the only design of his Majesty's Speech to this Parliament, at the opening of their session, was to inform them of his reasons for calling them together, and of the demands he had to make upon them; and to answer every particular mentioned in his Majesty's Speech, was always hitherto understood to be the business of the whole session of Parliament, and not the business of the first or second day of that session. The addresses of Parliament, by way of answer or return to this speech, were formerly never any thing more but a general acknowledgement of thanks for the Speech from the throne, and general assurances of loyalty and fidelity to the King, and of supporting him in whatever should appear to them to be reasonable. The King was so far from expecting to have every particular answered in that address, and high compliments made on every paragraph of his speech, that happy was our King, of old, if he could but get a proper answer to each particular during the whole session. Our Parliaments were not then so ready to grant, nor had they so much politeness as to pass any compliments without a due consideration, and without being fully convinced of the truth and justice of what they were to say: but if this new doctrine prevails, we shall have speeches made at the beginning of each session, not with a design to inform the Parliament of the true state of affairs, or to acquaint them with the King's demands, but contrived by the ministers, on purpose to catch at compliments, and to dazzle the eyes of the people with pane-

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gyrics bestowed upon their measures by both Houses of Parliament.

In the language of Parliament, my Lords, we are not only to take care not to affirm expressly, or deny what may afterwards appear to be otherwise; but we are to take care not even to insinuate what may afterwards appear to be false. In this light, my Lords, let us consider the motion that has been made to us, and we shall find, that every paragraph proposed to be left out, bears an insinuation of a fact, which may afterwards appear to the whole world to be false; and if it should happen so, I leave to your lordships to consider, what the world must say of the honour and good sense of this House; for surely they cannot approve of both. Lords may say what they will of this House's not being precluded by any thing in the address, or prevented from future enquiries or censures: it is true, my Lords, as a House of Parliament, we are not; but I will say, that the passing of such compliments, as have of late been too usual in our addresses, is a sort of forestalling the opinions of many lords in this House; for after my having agreed to a panegyric, either express or by insinuation, upon any measure pursued by the ministers, I should be sorry to find afterwards that such a measure deserved censure; and therefore it is certain, it would be difficult to convince me of it; nay, even after conviction, I believe human weakness would make me loth to agree to the putting a public mark of ignominy upon that, which I had formerly agreed to applaud, even by insinuation.

Having now endeavoured to shew, that our respect to the King, or the generality of the expressions proposed to be made use of, can be no argument for our descending into so many particulars; allow me, my Lords, to descend into those particulars, and examine every one of them separately, by way of reply to the observations the noble lord has been pleased to make on them; but first let me take some notice of what the noble duke said in relation to our former treaties and negotiations. He told us, that, in treating with foreign powers, no general rules could be established; in which I must beg leave to differ from him; for, I believe there are many general rules may be established: I shall mention only two, which are, that we ought always to observe, and, as punctually as possible, comply with the terms of those treaties we enter into: and the other general rule is, that we ought to enter into no treaties but such as are for the interest of our native country. These are two general rules, which are, by the nature of things, established, though I doubt much if they have been always observed. By the treaty of Hanover, my Lords, we are told, that dangerous designs against this nation were prevented; designs which had been formed against us by the treaty of Vienna, between the emperor and Spain: but this is a fact that has always been disputed; and if the fact was false, I am very sure the treaty of Hanover was very much contrary to the interest of this nation: nay, considering how improbable it is, that the imperial court would enter into the measures then attributed to them; or that the imperial and Spanish courts, united together, could conceive hopes of doing any great injury to Britain, there is some reason to believe, that the story was invented by a court, whose interest it was then to break, by any means, the good correspondence that was by the treaty of Vienna, established between the courts of Vienna and Madrid, and whose interest it will always be to foment jealousies and divisions between the courts of Vienna, Madrid and London. I will agree with the noble duke, that the correspondence between Spain and us, which was broke off by the treaty of Hanover, was, in some measure, I will not say altogether, restored by the treaty of Seville; but I wish he had told us, at whose expence that correspondence was restored, or what other honour or advantage the nation reaped from that treaty; and if, by the treaty of Vienna, a correspondence was restored between the emperor and us, I am afraid our correspondence with Spain was, by that new treaty, a little disturbed; and the union, which now subsists between France and Spain, was effectually established: so that, upon the whole, I do not see, that this nation has many advantages to brag of from our late treaties and negotiations; and if the treaty of Vienna, between the emperor and Spain, was not such a treaty as it was most industriously represented by us to be, I am very certain the nation has already greatly suffered by the mistake, and may suffer a great deal more in time to come.

But now, my Lords, to return to the paragraphs of the motion, which, by the amendment, are proposed to be left out. To these I shall speak with the more freedom, because I do not think his Majesty any way concerned in the question. I shall always be ready to join in our acknow-

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ledging our duty and fidelity to the King; but, when we are to pass compliments upon measures, it is to the ministers we make these compliments, and I shall never be for this House's descending so low, as blindly to pass compliments on them. By the first of these paragraphs we are to acknowledge the care of the ministers, in preventing our being unnecessarily engaged in the present war. My Lords, if this be not a direct affirmation, it is as strong an insinuation as this House can make, that we were no way obliged, either by treaty or by interest, to engage in the present war; and if, upon enquiry, it should afterwards come out, that we were, from the very beginning, obliged both by treaty and by interest to have engaged in the war, what would the world think of this House, if we should agree to the address this day proposed? nay, I must appeal to the lords that are against me in this motion, what they would think of themselves for having agreed to such an address; they would be obliged to acknowledge, at least, that they had been imposed on, and such an acknowledgment can add nothing to the character of any man, much less can it add to the character of any lord of Parliament.

If there were then no manner of reason to presume, that we were any way obliged to engage in the present war, we ought not, my Lords, to come in blindly to the making of such an insinuation in our address: but in the present case there is some reason to presume, that we were actually obliged, if not to engage as principals, at least to engage as allies and guarantees. The noble duke has told us, that the emperor has not only demanded the succours stipulated by the treaty of Vienna, but insists upon it, that we ought directly to furnish them. I shall not pretend to say, my Lords, that the imperial ministers are in the right; on the contrary, I hope they have no manner of reason for the demand they have made; but as we have neither seen the treaty of Vienna, nor the reasons alledged by the imperial court for the demand they have made, surely we ought not thus blindly to insinuate, that there is nothing in what they have said upon that subject.

Now, my Lords, let us take the other side of the case; let us suppose that we were no way obliged, either in honour or interest, to concern ourselves in the present war: in such a case, what would that minister have deserved, that should have advised his Majesty to plunge the nation into a war, in which we had no manner of concern? Would not he have deserved the highest resentment of this House? Would not he have deserved the highest vengeance his country could have brought upon his guilty head? And shall we, my Lords, make a fine compliment to a minister, for not doing, what? For not doing that for which he ought to have lost his head upon a scaffold.

I am really surprised, my Lords, to hear it pretended, that the treaty of Vienna was concluded, or the negotiation for that purpose carried on, in concert with the Dutch; since it is so well known, that they were so far from being principal contracting parties, that it was, after long delays, and with much difficulty, that they acceded to it; and that they did not even at last accede, but under several restrictions and limitations, and after having obtained several additions and explanations, in favour of their own country: they, like a wise state, took that opportunity to have all disputes and differences with the contracting powers, agreed and settled to their own liking; as they were, by that treaty, to do a very great favour to the emperor, they took care to have something in return; and it were to be wished, that we had followed their example, in every treaty we have lately made. They were, indeed, named in the treaty of Vienna as principal contracting parties, but how they came to be so I could never yet comprehend; the imperial court submitted to it, perhaps, at that time, because they had a very great favour to ask, and it was very much their interest to have the Dutch become parties in that treaty; but how we came to submit to have any power named, as a principal contracting party in a treaty with us, without their being as ready to sign it as we were, I cannot yet comprehend.

As for their not having made that reduction of their land forces, which was proposed before the war broke out; it is very certain they have not, even now, a greater number of forces, than is necessary for defending the extensive frontiers of their country, and supporting the many garrisons they are obliged to keep up; so that if they had made any reduction, they must have trusted to some of their neighbours for their defence; but, supposing that they might have safely made that reduction, their having suspended it, cannot be called acting in concert with us: because we have not only suspended

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making that reduction in our land forces which we might easily have made, and which we ought to have made if the war had not broke out; but we have made large additions to our forces both by sea and land; and yet it must be acknowledged that we are not, by our situation, so immediately exposed to danger as the Dutch are. From hence, my lords, it is to me evident, that the concert between the Dutch and us, can consist in nothing, but as has been already said, in our having acquainted the Dutch with the measures we were to take, and the expences we were to put ourselves to; and such a concert does not, in my opinion, deserve a compliment from this House, not even in the most general terms that can be thought of.

I must submit to your lordships, whether the compliment proposed to be made, upon the acceptation of our good offices, and upon the plan of peace, does not bear a very strong insinuation, that we think it was reasonable and necessary for us to offer our good offices; that these our good offices are accepted of in such a manner, as may give great hopes of their success, and that it was proper for us to thrust ourselves so far into other people's affairs, with which we declare we had no concern, as to propose a plan for an agreement; and, considering the profound ignorance we have been kept in, with relation to all our late foreign transactions, I do not see how we can, in honour, pretend to make any such insinuations. It is an old observation, my lords, that arbiters often draw upon themselves the resentment of both the parties at variance: in private life, it is always reckoned a dangerous undertaking: especially when the arbitration is offered, without being desired by either of the parties concerned: in public affairs the maxim will hold equally true, and therefore no wise state will be ready to intermeddle in foreign broils, unless by such intermeddling, they have a view of procuring some particular advantage to themselves: the balance of power in Europe is not yet in such a dangerous state, as to require our being so very busy and officious; and when it comes to be so, the other powers of Europe, not yet engaged in the war, are as much interested, and ought to intermeddle as much as we; so that, upon a strict enquiry, it may, perhaps appear, that even the offer of these good offices was not only unnecessary, but officious, and without any view to the particular advantage of this nation: and if, upon such enquiry it should appear, that the acceptation of these good offices has been made, by every one of the powers concerned, in such terms as cannot give any hopes of success, how can we answer to the honour and dignity of this House, for making such anticipated and such rash insinuations?

The plan to be offered by us, may appear to be a wise and a good one, it may appear to be otherwise; but, my Lords, if, upon enquiry, it should appear, that even the offering of our good offices was rash and officious, surely the proposing of a plan, and setting ourselves up openly, as law-givers to the other princes and states of Europe, must appear to be much more so, and may involve this nation in difficulties and dangers, we seem at present to be very little aware of: it may produce confederacies against us; it may unite the powers of Europe in a league, to pull down the pride of Great Britain: which is a case that has often before happened; a case by which almost every one of the powers of Europe has been, some time or another, brought very near to their utter destruction. I do not know, my lords, but that the Dutch may have acted in concert with us, both in the offering our good offices, and in the drawing up and proposing this plan of peace which is to be offered: in this, I say, they have acted in concert with us, because it put them to no expence; but I am afraid it will at last appear, nay perhaps they may endeavour to make it appear, that their acting in such a manner, proceeded entirely from a political complaisance, they were obliged to shew to Great Britain; so that in the end, they may get as much honour and advantage as we, by the success, and can no way suffer by the disappointment.

As to the threatening paragraph, my lords, I am very sure, that if a man in a private company should swagger, and swear, he would not be amused; he would not be imposed on; he would always be ready to act that part which was incumbent on him to undertake: if I were one of the company, I should look upon it as a threatening sort of declaration; and if there had been any dispute between him and me, if I had but refused any thing he desired of me, I should look upon it as a threat designed directly against me: indeed, if such a blusterer had had no dispute with any one of the company, I should look upon him as a bully and a very silly fellow. In public life, I think, my lords,

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it is the same: when it becomes necessary for this nation to act, I hope we shall always act with that vigour and courage which is worthy of Great Britain; but I shall always be against our making any bullying or blustering declarations, till it becomes necessary for us to carry them directly into execution; and therefore I must be against this part of the motion.

It is true, my lords, the late treaty with Denmark is not mentioned particularly in the motion; but when we talk so much of the wisdom, the right reason, and the prudence of his Majesty's councils, which in the language of Parliament, upon this occasion, is understood to be the wisdom, the right reason, and the prudence of his ministers, I must presume, and all the world will, I believe, presume, that the late treaty with Denmark is included among the rest; and I cannot applaud the wisdom, the right reason, and the prudence of that treaty, before I know what it is. We are told, my lords, that if that treaty had not been concluded, some other would: I do not know, my lords, that this nation is at present in any danger of being attacked, and therefore I do not know any reason we had to pay a subsidy to Denmark, in order to prevent that king's making any treaty he had a mind; but if we were to be attacked, surely we are not to become tributary to him, and to pay him a yearly tribute, under the name of a subsidy, to prevent his joining with any power whatever against us; and if the preservation of the balance of power was the only motive for entering into such a treaty, if that was in any real danger, he was certainly as much concerned for its preservation as we; and therefore we are not to suppose, that he would have concluded any treaty to its disadvantage. From such reasoning, my lords, as I have this day heard in this House, one would really imagine, that we are to take the care of preserving the balance of power in Europe entirely upon ourselves; which if we do, I can easily foresee, that most of the princes of Europe will always take advantage of our officious care, and our ridiculous apprehensions, and will refuse to act with vigour even in their own defence unless we pay them a yearly subsidy for so doing.

I shall conclude, my Lords, with observing, that if it was necessary for his Majesty to lay this treaty before the other House, because it was to be attended with some expence, the very same reason made it necessary for his Majesty to order it to be laid before this House; for although grants of money are first made by the other House, no such grant can be effectual, without the consent of this. It would seem then, that when a demand is to be made on the other House, for any grant of money, the reason for making such demand is to be laid before them, without their asking for it; but when we are to consent to that very grant, no reason is to be laid before us, unless we ask for it. This, my lords, is a different sort of behaviour, with respect to the two Houses, which I shall make no remark on, but leave to your lordships consideration.

From what I have said, my lords, I hope I have made it appear, that every paragraph, proposed to be left out of the motion now before us, is inconsistent with the honour and dignity of this House, and that neither the duty nor the respect we owe to his Majesty, require our putting any one of them into our address; but that the first and last paragraphs of the motion are sufficient, and as much as, by the ancient usage of Parliament, was customary upon such occasions; and therefore I hope your lordships will agree to the amendment proposed.

The question first put was as usual, for agreeing to the Amendment proposed, upon which there was a division; and there being but 37 Contents to 89 Not Contents, the Amendment was disagreed to by a majority of 52.

The Lords' Address of Thanks.] The question consequently next put, was To agree to the motion, which was carried without a division; and a committee being named to draw up the Address, they retired to the Prince's chamber; and being returned, the Address drawn up was read and agreed to the same day, and is as follows:

"Most gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, humbly beg leave to return your Majesty our unfeigned thanks for your most gracious Speech from the throne.

"The many blessings we enjoy, under your Majesty's mild and auspicious government, are happily felt by all your people; among which your paternal care and tenderness for their true interest, in employing your unwearied endeavours, to

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prevent their being unnecessarily involved in the present war, stand signally distinguished: and it would argue the highest degree of ingratitude in us, if we did not acknowledge ourselves sensibly affected by the benefits that have accrued from this prudent conduct.

"In this your Majesty has given the world fresh proofs of your just sentiments of true and solid glory, since you have preferred the real prosperity and ease of your subjects to all other considerations; and in that view have concerted measures with the States General of the United Provinces (the ancient and natural allies of the British crown) for restoring the public tranquillity.

"It is with the utmost satisfaction we observe, that, in consequence of this proceeding, the good offices of your Majesty, in conjunction with them, have been accepted by the several parties engaged in the war; and we cannot suffer ourselves to doubt, but the interposition of the maritime powers, united in interest and mutual friendship, will have its just weight.

"When we turn our thoughts to the various and different views of the princes and powers concerned, we find ourselves obliged, with the utmost thankfulness, to ascribe it to your Majesty's uncommon vigilance and attention to the welfare of your people, and the repose of Christendom, that no time hath been lost in making use of any good dispositions of the respective powers at variance; and that this salutary and extensive work is advanced to such a degree, that a plan may be shortly offered to their consideration, as a basis for a general treaty.

"The events of negotiations, as well as of war, are, in the nature of things, liable to uncertainty: but when we reflect on the many instances we have experienced, of right reason and prudence being the governing rule of your Majesty's actions, we promise ourselves, that these your generous labours, for procuring universal tranquillity, will merit that good success, which all well-disposed minds wish they may be attended with.

"At the same time permit us to assure your Majesty, that we are incapable of being so far amused by any hopes whatsoever, as to leave the security of your Majesty and your kingdoms exposed to real dangers; and that our endeavours shall never be wanting, to disappoint the vain expectations of any, who shall be so presumptuous, as to imagine advantages to themselves from such methods.

"The wisdom of your Majesty's councils, and that steadiness and constancy which are inherent in your royal mind, joined with a harmony which subsists between your Majesty and that powerful republic, in concert with which this great transaction has been carried on, will, we trust, in due time prevail over all unreasonable opposition: and that this may be the happy effect of your good offices, we beg leave to assure your Majesty, with that resolution and firmness which become the Peers of Great Britain, on so important an occasion, that we will cheerfully support your Majesty in all such measures, as may be necessary for procuring the blessings of peace and tranquillity, or for putting this nation in a condition to act that part, which it may be incumbent on Great Britain to undertake.

"It is a felicity which we ought, in a most affectionate manner, to remember on every occasion of approaching your sacred person, that your Majesty hath always esteemed the interest of sovereign and subject, as mutual and inseparable; and made the due execution and observance of the laws the rule of your government: as your Majesty, agreeably to your repeated declarations from the throne, hath invariably held this conduct towards your subjects, we can entertain no doubt, but you will find the same inviolable and unshaken fidelity, and the same zeal for the true honour and happiness of your Majesty, and your kingdoms (which can never be divided) both from your Parliament and your people.

"On our parts, we humbly intreat your Majesty to accept the strongest assurances, that we are determined, by a steady course of loyalty and dutiful affection to your Majesty, and a firm perseverance in pursuing the true interest of our country, to convince the world, that we most seriously consider the maintenance of our religion and liberties, as being absolutely involved in the security and support of your Majesty's person and government; and in the preservation of the Protestant succession in your royal House; and that it is the unalterable purpose of our hearts, under the protection of the Divine Providence, to transmit these invaluable blessings safe and entire to our posterity."

The King's Answer.] This Address was next day presented to his Majesty, who returned the following Answer; viz.

"My Lords,

"I thank you for this loyal and affec-

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tionate address. The concern that you shew for the success of my endeavours, in conjunction with the States General, for restoring the public tranquillity, is very acceptable to me.

"Nothing shall be wanting, on my part, that may contribute thereto; and the duty and affection of my Parliament and people, upon which I depend in all events, will add great weight to my endeavours."

The amendment to the above motion was proposed by the lord Carteret; was opposed by the duke of Newcastle and the lord Hardwick; and supported by the earl of Chesterfield, the lord Bathurst, and the earl of Strafford.

Debate in the Commons on the Address of Thanks.] The Speaker having reported his Majesty's Speech, Mr. Hedges, member for Fowey, moved, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious Speech from the throne; to acknowledge his Majesty's wisdom and goodness in pursuing such measures as tended towards procuring peace and accommodation, rather than to involve this nation, and all Europe, too precipitately, in a general and bloody war; to express the just sense this House hath of his Majesty's tender regard for the public repose and tranquillity, and of his unwearied endeavours in forming in concert with the States-General, such a plan of a general pacification, as his Majesty, in his great wisdom, conceives is consistent with the honour and interest of all parties, as far as the circumstances of time, and the present posture of affairs, will permit; to assure his Majesty, that this House will cheerfully and effectually raise such supplies as shall be necessary for the honour and security of his Majesty and his kingdoms; and, whatever shall be the success of his Majesty's gracious endeavours to procure the blessings of peace and general tranquillity, will enable his Majesty to act that part, which honour and justice, and the true interest of his people, shall call upon him to undertake."

This motion was seconded by Mr. Campbell of Pembrokeshire.*

Several members objected to some expressions in the motion, which, as they thought, implied a too general approbation of former measures: and upon this occasion

Sir *William Wyndham* proposed, that the last paragraph should run thus, "To assure his Majesty that, after a full state of the affairs of the nation had been laid before them, and considered by them, they would cheerfully and effectually raise such supplies, as should be necessary for the ho-

* "The reader, from what has been already related of debates of this kind, will easily perceive upon what this debate turned. On the one side, there was great distrust and diffidence of the minister's measures since the last parliament, and great fears lest their agreeing to the address, notwithstanding the generality and caution of its terms, should be construed into an approbation of all that had been done. Great freedoms were taken with the conduct of the administration, in putting the nation to such immense expences as it had been at in arming both by sea and land, without doing any thing that was effectual. It was thought ridiculous to thank his Majesty for not precipitating the nation into a war; and it was observed, that notwithstanding the Dutch had so much at stake, they had not put themselves to a shilling expence during the critical situation of Europe.—It was argued on the other hand, that the tranquillity of the nation was owing to its being in a posture either of offence or defence, as occasions, which were impossible to be foreseen, should require: that the increase and security of the trade of England, was more than sufficient to counterbalance all the charges she had been at, which had been all expended within herself; and that neither his Majesty, nor his ministers, had ever behaved in such a manner as that they should be treated by the House with any marks of distrust in an address which at best is a mere matter of compliment. That thanking his Majesty for not precipitating the nation into a war, was no other than thanking him for his caution and prudence. As to the Dutch, they were best judges of their own affairs, and their conduct ought to be no rule to Great Britain; but that, though they had not augmented their land-forces, it is certain that they had suspended a very large reduction of them, which they had intended to have made when the troubles of Europe broke out. It was farther observed in support of the first motion for the address, that the conduct of his Majesty in concerting with the Dutch the general plan of pacification, was intirely agreeable to the maxims by which the balance of power in Europe was to be maintained.—Many well wishers to the anti-ministerial party thought that they acted impoliticly in trying their strength upon so weak a head as the opposing an address worded with so much modesty. It was moved in two questions to reject the amendment; and upon the second question the House dividing, the same was rejected by a majority of 265 against 185, a greater minority than had been seen for many years in that House." Tindal.

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nour and security of his Majesty and his kingdoms, and in proportion to the expences to be incurred by the other powers, who were under the same engagements with this nation, and not then involved in the war: and whatever should be the success of his Majesty's gracious endeavours to procure the blessings of peace and general tranquillity, would enable his Majesty to act that part, which honour and justice, and the true interest of his people should call upon him to undertake." But some gentlemen disliking the first part of this Amendment,

Sir *Joseph Jekyll* offered an Amendment to the Amendment proposed by sir William Wyndham, as follows: "To assure his Majesty, that that House would cheerfully and effectually raise such Supplies, as should be necessary for the honour and security of his Majesty and his kingdoms, and in proportion to the expences to be incurred by the other powers, who were under the same engagements with this nation, and not then involved in the war: and, whatever should be the success of his Majesty's gracious endeavours to procure the blessings of peace and general tranquillity, would enable his Majesty to act that part, which honour and justice, and the true interest of his people, should call upon him to undertake."

The motion for the Amendment was strenuously supported by lord Morpeth, lord Noel Somerset, Mr. Shippen, sir Thomas Aston, Mr. Dundass, Mr. Gibbon, Mr. Sandys, Mr. Walter Plumer, and Mr. Pulteney: the reasons they gave for their exceptions to the Address as first proposed, and for the Amendment offered, were as follows:

Mr. Speaker; As this is a new parliament, I hope we shall begin with shewing a little more regard to the ancient custom and dignity of Parliaments, than has been shewn of late years. In former times, the Addresses of this House, in return to his Majesty's Speech from the throne, were always conceived in the most general terms. Our ancestors would never condescend upon that occasion, to enter into the particulars of his Majesty's Speech: when they were to approach the king, and to declare their affection and their fidelity to him, they thought it was inconsistent with that fidelity they were to declare, to approve, upon that occasion, of any ministerial measures, and much more so, to declare their satisfaction with measures they knew nothing about. This House is the grand inquest of the nation, appointed to inquire diligently, and to represent faithfully to the king, all the grievances of his people, and all the crimes and mismanagements of his servants; and therefore it must always be a breach of our fidelity to our sovereign, as well as a breach of our duty to his people, to approve blindly the conduct of his servants. When we have examined diligently, and considered deliberately the conduct of any minister, and are at last fully convinced that he has acted prudently and wisely for the public good, it is then our duty to return him the thanks of the public, and to represent him as a faithful minister to his master; but to make panegyrics upon the conduct of any of the king's servants, before we have examined into it, is more like the language of slaves and sycophants to a prime minister, than that of loyal and faithful subjects to their sovereign.

I must acknowledge, Sir, that the motion now made to us is more general, and more adapted to the ancient custom of Parliament, than most I have heard since I have had the honour to be a member of this House. I hope we shall not find that this extraordinary modesty proceeds from a consciousness of misconduct: for the sake of the public I heartily wish we may find that it proceeds from superior merit; which is, indeed, generally attended with superior modesty; but as I have always been, upon such occasions, against general encomiums upon ministers, and as the proposition now before us, or at least a great part of it, implies a general approbation of all our late measures, particularly those relating to the present war, which the majority of this House are, in my opinion, intirely ignorant of, I cannot agree to it; because I have not yet learned complaisance enough to approve of what I know nothing about, much less to approve of what I violently suspect to be wrong.

I had the honour, Sir, to be a member of this House in the last Parliament; and I remember several motions were then made, for getting some insight into the state of our foreign affairs and our late transactions; motions which appeared to me highly reasonable, and even absolutely necessary to be complied with, before the House could reasonably comply with the demands that were then made upon them: but every one of these motions had a negative put upon it. I have always had a suspicion of the works of darkness; I do not like any conduct that cannot stand the

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light at noon-day; and therefore I am afraid some of our late transactions are such as no man could approve of, if they were exposed to public view. We have been long in expectation: but when one negotiation was over, we have always been told to have patience, the next was to accomplish all our desires; we have accordingly had a great deal of patience; but, so far as I can comprehend, I can observe no benefits that have accrued, or are like to accrue; but, on the contrary, many dangers and disadvantages; so that the whole train of our late negotiations really seem to me to have been calculated for no other end, but to extricate a set of puzzled, perplexed negotiators, from some former blunder, by which they have generally been led into a second, of worse consequence than the first: every subsequent negotiation seems to me to have had no other view or design, but to get rid of some dilemma we were thrown into by the former; and happy have we thought ourselves, after a great deal of money spent, if we could but recover our former condition. In short, Sir, if any gentleman will rise up and shew me any addition, or any new advantage, with respect either to our trade or our possessions, that this nation has acquired by any of our late transactions, I shall agree to the motion; but considering the great expence this nation has been put to, and the great losses many of our merchants have, without any redress or satisfaction, sustained, I cannot agree to pass compliments upon, or declare my satisfaction with, our late management in general, until it be made appear to me, that these public and private losses have been some way balanced by national advantages.

The second Paragraph of the motion I am, indeed, surprised at upon another account, to make our acknowledgements to his Majesty, for not involving the nation too precipitately in a bloody war, is, in my opinion, very far from being a compliment to his Majesty; It is impossible, it is not to be presumed that his Majesty can do any such thing; but if it were possible, and if any such thing had been done, to be sure it would have been doing the nation a very notable mischief; and according to the idiom of our language, at least in private life, to thank a man, or to make our acknowledgements to a man, for his not doing us a notable mischief, is a contemptuous way of expressing ourselves, and is always an insinuation, that from such a man's malice, or his weakness, or imprudence, we expected some notable mischief; and therefore when we are disappointed, when the mischief is not so great as we expected, we say, by way of contempt, that we are obliged to him. If none but ministers were concerned in this part of the motion, I should have let it pass without any remark, nay, I should readily have agreed to it; but as his Majesty is concerned, I hope the gentlemen who made the motion will take care to have it some way altered, if they are resolved to have it stand part of the address. This shews, Sir, how apt people are to fall into blunders, when they attempt to make extravagant and forced compliments; and therefore I wish we would resolve to avoid such dangers, by confining our address to a general acknowledgement of thanks to his Majesty, for his most gracious speech from the throne, and a declaration of our affections towards him, of our attachment to his family, and our zeal for his service.

However, Sir, as it has been granted upon all hands, that nothing contained in our address can prevent the future inquiries of this House, or can be a bar to our censuring what we shall upon inquiry find to be amiss, therefore I shall propose no amendment to the former part of the motion: but I must take notice of one thing which is apparent, without any inquiry, to every man in this House, to every man who knows any thing of public affairs; and that is the great charge this nation has already been put to on account of the war, while the other powers of Europe not yet engaged in the war, have not put themselves to one shilling expence: nay, even our allies the Dutch, who, as his Majesty has been pleased to tell us, are under the same engagements with us, have not put themselves to the least charge on account of the present war. Now, Sir, as his Majesty has told us, that we had no concern with the causes or motives of the war, we cannot therefore be involved in it, unless it be for the preservation of the balance of power; and as all our allies are as much interested in this respect as we are, it is reasonable they should bear their proportionable share of the expence: and as they have yet done nothing like, I think it is become necessary for us to take some notice of this matter in our address to his Majesty, for which reason I shall move for this Amendment to the latter part of the address: viz. "That this House will cheerfully and effectually raise such supplies, as

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shall be necessary for the honour and security of his Majesty and his kingdoms; and in proportion to the expences to be incurred by the other powers who were under the same engagements with this nation, and not then involved in the war; and whatever shall be the success of his Majesty's gracious endeavours to procure the blessings of peace and general tranquillity, will enable his Majesty to act that part, which honour and justice, and the true interest of his people, shall call upon him to undertake."

In Answer to these Objections, and in support of the motion, Mr. Winnington, Mr. Henry Pelham, sir William Yonge, Mr. Danvers and Mr. Oglethorpe urged the following arguments.

Mr. Speaker; As gentlemen, who have spoke in this debate, seem to want a much more thorough reformation in the motion now before us, than that proposed by the amendment, I must beg leave to take notice of what they have said in general, before I come to speak to the amendment proposed. We have been told a great deal, Sir, of the ancient usage and custom of parliament, with respect to their manner of addressing the King, by way of return to his speech from the throne: what the gentlemen may mean by this ancient usage, or at what time they have a mind to fix it, I do not know; but I am very sure, that ever since I had the honour to sit in parliament, I never knew an address proposed in more general terms than that now before us; and therefore I am apt to conclude, that no address can be proposed in this House, but what some gentleman will find fault with. I shall agree with the honourable gentlemen, that one of the chief ends of our meeting here, is to inquire diligently, and represent faithfully to the King, the crimes and misnagements of his servants, as well as the grievances of his people; but when his Majesty has given us an account of his conduct, surely that does not hinder us from making him such general compliments, for the accounts he has been pleased to give us, as will not obstruct our future inquiries, or prevent our censures, in case we should aftewards find, that any of his servants had acted unfaithfully or imprudently, even with respect to those very affairs he had been pleased to give us an account of in his speech.

It has been acknowledged, that the motion before us is more general than what is usual upon such occasions; but it is to be feared, it seems, that this extraordinary modesty proceeds from a consciousness of misconduct. At this rate, Sir, the gentlemen who have the honour to serve the crown must have a very hard task: if they or their friends propose a long and particular address, they are then accused of endeavouring to impose upon the honour and dignity of this House, and if they propose a short address, and expressed in the most general terms, insinuations are then made, that their modesty proceeds from a consciousness of guilt; so that let them chuse which way they will, it is impossible for them to avoid censure: yet even this address, general as it is, is, it seems, to be looked on as an encomium upon the ministers, and as an approbation of what we know nothing about; but, in my opinion, if we examine the several paragraphs, it will appear to be neither the one nor the other.

By the first paragraph found fault with, it is proposed to acknowledge his Majesty's wisdom and goodness, in pursuing such measures as tend towards procuring peace and accommodation: by this, Sir, we do not declare, that his Majesty has pursued such measures, nor do we approve of the measures he has pursued; but when those measures are made public, if it should appear that they were such as tended to procure peace and accommodation, surely this House, nay the whole world, ought to acknowledge his Majesty's goodness and wisdom in that respect; and all that can be supposed to be meant by this paragraph is, to acknowledge that there is more wisdom and goodness in pursuing such measures towards procuring peace, than in pursuing such measures, as might tend to involve the nation and all Europe too precipitately in war: this then cannot, I think, be supposed to be an encomium upon any minister, nor an approbation of any of the measures that have been pursued.

By the other paragraph it is proposed, to express the just sense we have of his Majesty's regard for the public tranquillity, and of his endeavour to form, in concert with the States General, such a plan of pacification, as his Majesty conceives is consistent with the honour and interest of all parties, as far as the circumstances of time and the present posture of affairs will permit: here again we approve of nothing: we do not approve of the plan that is to be offered; we do not so much as approve of any one step that has been taken in the forming of that plan; we only acknow-

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ledge his Majesty's tender regard for the public tranquillity, in endeavouring to form such a plan as may restore it: This surely is what no man can deny, nor hesitate one moment in acknowledging; and I believe that it will be as readily granted, that it was better to form this plan in concert with the States General, than to form it without any such concert. So that I cannot really comprehend how this paragraph can be interpreted to be an encomium upon any minister, or an approbation of any measure: and therefore, though we knew nothing of the measures that have been pursued, nay, though we even had a violent suspicion that wrong measures have been pursued, neither our ignorance nor our suspicions can be any objection to either of those paragraphs.

As to our ignorance of the measures that have been lately pursued, it is certain we are ignorant of a great many of them, and it is necessary it should be so; for with respect to public transactions, especially those with foreign courts, it is absolutely necessary that many of them should remain secret for several years after they are passed; nay, there are some that ought for ever to remain a secret: and that any transaction can remain a secret long after it has been communicated to this House, I believe no gentleman will pretend to affirm; for though the members of this House might perhaps depend upon the fidelity and the secrecy of one another, yet we cannot answer for the strangers that may be amongst us. This, Sir, was the only reason, why this House was pleased to put a negative upon the motions pointed at by the honourable gentlemen; and as I had likewise the honour to be then a member of this House, I heard such reasons given for not complying with those motions, as convinced me, that a compliance with any one of them would have been one of the greatest injuries we could have done our country: it was not that the authors of those transactions were afraid, on their own accounts, that the transactions they had been concerned in should be exposed to public view; it was impossible it could be so; for if they had been possessed with any such fears, if they had given the least ground to suspect they were so, it would have been a good, and I am persuaded a prevailing reason for this House to have complied with those motions.

But, Sir, as to the suspicions that some gentlemen may entertain, with regard to all or any of our past measures, it is impossible to say any thing of them, unless the gentlemen will be pleased to acquaint us with the grounds of their suspicion: when they do that, it may perhaps be in gentlemen's power to shew, that those grounds are very far from being solid. They talk of our having been for a long time amused with hopes, and of our having been desired to have patience: it is true, Sir, there are some amongst us, not in the House I hope, but in the nation, I will say, there are a great many who have been long amused with hopes, who have had a great deal of patience: they have, indeed been under a continual course of patience ever since the beginning of the late reign: they have not yet seen, and I wish they may never see that event happen, which they have been so long hoping for, which they have waited for with so much patience. And, in my opinion, the many disappointments they have met with, is one of the best reasons that can be assigned for our having no cause to suspect any misconduct in our late measures.

I do not think it the interest of this nation to be fond of adding much to our possessions; and considering the ambition of foreign courts, and the disturbances given to our government by a disaffected party at home, our having preserved entire our foreign possessions, and prevented all invasions on our people at home, is an argument, that all our late measures have been concerted and pursued with the utmost foresight and prudence. To this we may add, that though our trade has been sometimes a little interrupted by the ambitious views of foreign courts, yet it is certain, it has greatly improved in every branch within these last twenty years, and is now, I believe, in as flourishing a state as ever the trade of Great Britain was in any age. So that to return the compliment to the gentlemen of the other side of the question, if either of them will shew me where the nation has lately suffered, either in its possessions, or in its trade, by any mismanagement of those at the helm of our own affairs, I shall agree to any amendment they please to propose; but I cannot think it reasonable to load our own ministers with the little disturbances we have met with, or the small losses we may have sustained by the ambitious projects of foreign courts.

With regard to the impropriety of expression taken notice of, I cannot think there is any good foundation for the cri-

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ticism; but if there were, we must see that it proceeds entirely from the great care the honourable gentlemen, who made the motion, took, to avoid every thing that might look like an approbation of any late measure. For this reason he would not propose that we should thank his Majesty for not involving us in the war, because it might have been said, that for what we knew it was necessary, it was incumbent upon us, to have engaged at the very beginning of the war; therefore, to avoid this objection, he only proposes that we should make our acknowledgements to his Majesty, for not having engaged too precipitately in the war; and as this might have been done, and would as the honourable gentleman says, have been doing a very notable injury to the nation, I cannot find that there is any impropriety in our making our acknowledgements to his Majesty, for his not having done so.

I come now to that which I take to be the only question now before us, I mean, Sir, the Amendment proposed, as it now stands amended. I shall readily grant, that all the nations of Europe are equally concerned with us in supporting the balance of power, and that therefore it is very reasonable, that every one of them should bear a proportionable share of the expence necessary, or that may become necessary for that purpose; and I am persuaded his Majesty will use his utmost endeavours to prevail with every one of them, to do what is incumbent upon them in that respect; but I must leave it to gentlemen to consider, whether our putting such a caution into our Address, would not shew to the whole world a sort of diffidence in his Majesty's conduct. I am convinced we have no cause, from any part of his Majesty's past conduct, to shew any diffidence in his future; and I am very certain, we never could have chosen a worse time than the present, to begin to shew any such diffidence. The nation is in great danger of being involved in a bloody and expensive war, unless his Majesty succeeds in his endeavours for restoring the peace and tranquillity of Europe; and it is certain, that nothing can contribute more towards rendering his Majesty's endeavours successful, than an established and general belief, that a perfect harmony and entire confidence subsists between him and his parliament. While they are convinced of this, every one of the parties now engaged in war will be cautious of giving too great a scope to their ambitious views, or of pushing too far the success they may have, for fear of drawing upon themselves the united force of the King and parliament of Great Britain; but if any reason should be given for them to believe, that the parliament puts no confidence in his Majesty's conduct, they may then conceive hopes of disuniting the power of Great Britain; and in that case they will not much regard the most reasonable terms of peace, that can be offered to them, by means of his Majesty's mediation: Nay, I have good reason to believe, that some of the powers engaged in the war, particularly Spain, will give no positive answer to the instances lately made to them, till they hear of the opening of the British parliament, and the addresses made upon that occasion; and if any mistrust in his Majesty's conduct should appear in our Address, we may believe their answer will not be such as ought to be wished for. Thus, by acting too cautiously, we may not only prevent the success of his Majesty's endeavours for restoring the public tranquillity, but we may give such encouragement to the ambitious views of some of the powers of Europe, as must necessarily at last involve this nation in a most expensive, and even a most dangerous war.

But this, Sir, is not the only objection against the amendment proposed; for though all the nations of Europe are equally concerned with us in preserving the balance of power, yet some of them may be blind to their own interest; nay, it is very probable some of them always will; and are we to neglect what is necessary for our own security, or to refuse contributing any thing towards preserving or restoring the balance of power, because every one of the other parties concerned will not contribute their proportionable share? This, in my opinion, would be a very odd sort of maxim for us to lay down; it is such a one as I hope will never be insisted on in the councils of Great Britain. Suppose, for example, our neighbours, the States General, should be so blind to the real interest of their country, as to look quietly on till they saw any one of the powers of Europe extend their conquests so far, as to be able to give the law to all the rest; would that be a reason for our behaving in the same manner? No, Sir, let our neighbours do what they will, it is incumbent upon us to look in time to our own security; and I hope we shall always be ready to do what our honour

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and our safety may require, upon evey such occasion; for if ever we should resolve to put ourselves to no charges for preserving the balance of power, unless the States General, or any other nation in Europe, would agree to join with us, and to bear a proportionable share of the expence, we should from that moment become dependent upon that other state, and consequently should be neglected and despised by all the other powers of Europe. Therefore, Sir, as the Amendment proposed tends, in my opinion, towards shewing a diffidence in his Majesty's conduct; and as it tends towards placing this nation in a sort of dependency upon other powers, I cannot but be against it.

To the above it was replied by the same Members, who were for the Amendment, as follows:

Mr. Speaker; Although I have had the honour to be long a member of this House, yet I find I never knew the whole of my duty till this day; for I always imagined that we met here to do business, and not to make compliments. I shall never be against expressing our loyalty and our fidelity to our sovereign, upon every proper occasion; because I take it to be no compliment, I take it to be our duty, and immemorial custom has established it as such, at the beginning of every session of Parliament; but to applaud his Majesty's wisdom, his goodness, and his tender regard for his people in every part of his conduct, which he may be pleased to mention in his speech, is a method of expressing ourselves which ought indeed to be called complimenting; it can be called nothing else, because it cannot be sincere, when we bestow those high epithets upon what we know nothing about. This, indeed, I never before understood to be any part of our duty, and I am sure the custom is not immemorial; for if gentlemen will look but a very little way back in our Journals, they will see when it began; and I must say, I am sorry it was ever begun; for, in my opinion, it derogates highly from the honour and dignity of Parliament, and from that sincerity and simplicity, for which this nation was, in ancient times, so deservedly famous.

The honourable gentlemen appear under a great concern for those who have the honour to serve the crown: perhaps my concern for them is not so great; and for this reason it may be, that I do not think their task so hard; I confess that when I observe any modesty in them, I am apt enough to suspect that it proceeds from consciousness of guilt, rather than from consciousness of merit; and in their motions for addresses they have of late so very seldom shewn any modesty, that I was surprized to find the least appearance of it upon the present occasion. However, Sir, it cannot be said that the modesty they have now shewn is in any degree excessive; for as the speeches from the throne are, by the custom of Parliament, supposed to be speeches from the ministers; and as his Majesty's conduct, when it comes to be considered in this House, it always supposed to be the conduct of his ministers, I cannot allow that those, who propose that we should talk so much in our address of their wisdom and goodness, and of their tender regard for the public repose and tranquillity, have testified any excessive degree of modesty, though it may perhaps appear to be a little more than what has lately been usual upon such occasions. If the gentlemen had been pleased to have left out the two paragraphs in which these compliments are contained, their modesty surely would have been greater, and their task would certainly have been easier, because the motion would have been shorter; and I am convinced it would have given more satisfaction to the majority of the nation, and I hope, to the majority of this House.

I must say, Sir, I am not a little surprized to hear any gentleman undertake to shew, that neither of the two paragraphs found fault with, contain an enconium upon any minister, or an approbation of any measure: I am persuaded, every man without doors that reads them will think otherwise; nay, I am convinced, that all those, who are not acquainted with our modern refinements in politics, will think that we could not with any sincerity express ourselves so, without having been made acquainted with all the late measures relating to war or peace, so as to be able to see that they deserved those fine epithets we are to give them: they will not consider that these fine expressions are designed only as compliments, and therefore do not require any sincerity.

As to the first Paragraph, the honourable gentleman has acknowledged, that if the words 'too precipitately' had not been put in, it would have been a declaration, at least, that it was neither necessary nor incumbent upon us to engage in the war, which was a declaration this House could not decently make, without knowing some-

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thing more of our late transactions than have been yet communicated to us: and an honourable gentleman, who spoke before him, has shewed, I think, to a demonstration, that the putting of those words in our address will carry an insinuation, which I hope no man will apply to his Majesty, whatever may be done with respect to the ministers: but the paragraph, even with these words, imports a declaration from us, that it would have been precipitate, it would have been rash, to have involved the nation in war before this time; which is a declaration we cannot, in my opinion, make, without more lights than we have at present before us: but suppose that we are convinced of the truth of this declaration, what are we then to do? We are to acknowledge his Majesty's wisdom and goodness, or rather the wisdom and goodness of his ministers, in not having been guilty of a rash action; and whether such an acknowledgment be consistent with the dignity of this House, or even with common sense, I must leave to gentlemen to judge?

With regard to the other Paragraph, allow me to suppose, Sir, that we were by the Treaty of Vienna, or otherwise, obliged in honour to send immediate succours to the emperor, would it not look very odd in us, to make our acknowledgments to those who advised his Majesty to interpose only as a mediator, when he was in honour obliged to engage as a party in the dispute? Let me suppose again, that there were several disputes and differences subsisting between this nation and any one of the parties concerned in the present war, which disputes and differences we had no hopes of accommodating in a friendly manner; and which were of such a nature as could not be given up, without injuring both the honour and the interest of the nation: in such a case, could we have had a more proper opportunity to vindicate our honour and our just rights? and if so, can we make any acknowledgments to those who have advised his Majesty not to lay hold of such a fair opportunity? Then, as to our concert with the Dutch, whether there has been any such or not, does not, I am sure, appear from any public step they have taken; and therefore I do not see how we can make our acknowledgments on that account; I hope, however, it is so; I hope they have acted in every thing in concert with us, as well as we have done with them. I believe it is their interest as well as ours to act in that manner; but a nation may mistake its own interest, and therefore I may suppose that they have been from the very beginning of this war, and even before it broke out, engaged in a separate interest; if so, can we make any acknowledgments to those who have advised his Majesty to concert any measures with them? All these suppositions may be true, for what we know; and yet by agreeing to this paragraph we must presume every one of them to be false, otherwise we must appear to be inconsistent with ourselves.

Thus, Sir, even to take these two paragraphs in the sense that the honourable gentleman has put upon them, we must suppose we were no way engaged, either in honour or interest, to take a share in the present war; that it would have been precipitate and rash in us to have engaged in it, and that the Dutch are engaged in the same interest, and have acted in every thing in concert with us; which are suppositions we have not, I am afraid, any great reason to make: but our constituents, the people who sent us hither, and whose good opinion we ought to preserve, will go farther: they will, from these two paragraphs in our Address, suppose, that the measures pursued by the ministers, for procuring peace and accommodation, have been wise and good; that the plan of peace is such a one as it ought to be, and that the most prudent measures have been taken to make it effectual; and if they should afterwards find themselves mistaken, what opinion can they have of our wisdom and goodness? I am afraid it will be but a poor excuse, to an honest, sincere country-gentleman, that he is never to look for sincerity in the Addresses of this House, and that we never mean any thing but compliment by any general expressions in them.

From what I have said, Sir, I think it will appear, that both our ignorance and our suspicions are good arguments against our making such high compliments to the ministers; for it is upon them these compliments are, by the custom of parliament, presumed to be bestowed: his Majesty has no concern in the debate, and therefore we may treat the subject with the more freedom. Our ignorance, as to all our late transactions, is very great, and if future parliaments should be always of the same opinion the last was of, we are like to remain for ever in the most profound ignorance; for I did not hear one argumen-

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made use of in the last parliament against the motions then made, for some insight into our foreign affairs, but what will for ever be as strong as it was at that time: the motions then made were not for a discovery of any of the transactions then upon the anvil: these motions were only for some papers, relating to transactions that had been quite finished several years before; and the only reason I heard given for refusing us that favour was, that the publishing of such papers, the discovering of such transactions, might open old sores, they might relate some way or another to the present transactions, and therefore it was not proper they should be laid before us; nay, we were not so much as allowed to call for them, in order to have had that answer from his Majesty, from whom only it was proper for this House to take any such answer. At this rate, Sir, we shall never have any account of the transactions of any minister 'till some new favourite starts up, and resolves to disgrace his predecessor by exposing the wickedness or the folly of his conduct.

That our late conduct has not been quite so prudent is, I am sure, very much suspected by the generality of the nation, whatever it may be by the majority of this House. We have been long amused, Sir, we had a great deal of patience, but it is not, Sir, that sort of people, meant by the honourable gentlemen, who have been so amused: it is not the disaffected, the enemies to his Majesty's family and the present happy establishment, who have been obliged to have patience; no, Sir, such men are, I believe, glad to see such measures pursued: it is those who are well affected towards his Majesty, those who are real friends to the present establishment, who have been lately amused, and it must be acknowledged they have had a great deal of patience. That the nation has been affronted, that our trade has been interrupted, that our merchants have been plundered, and our seamen most cruelly used, are facts not to be controverted. Whether they have proceeded from the ambitious projects of foreign courts, or from the blunders of some of our own people at home, is a question this House ought to look into; and for that purpose we ought to insist upon having all necessary lights laid before us. But for the present, I shall suppose, that they have all proceeded from the ambitious projects of foreign courts: what satisfaction then have we obtained for the insults and indignities we have suffered? What reparation have our merchants got for the losses they have sustained? Is this nation brought so low, that we must submit to suffer, to be disturbed, by the ambitious projects of foreign courts, without daring once to insist upon an adequate satisfaction, a full reparation? I hope not, Sir; and 'till an adequate satisfaction, and full reparation be obtained, I shall not be ready to agree to pass compliments upon our late conduct. If we have met with so few or so small disturbances, if our trade has so greatly increased, what advantage hath the public reaped from the happy state we have been in? What part of the public debts have we discharged? What taxes have we relieved the people from? Surely, Sir, if we have been for so many years in such a happy state, a great part of our debts might have been discharged, and several of our most grievous taxes taken off. But the fact is otherwise; we have been every year keeping up great armies, fitting out great fleets, and putting the nation to a vast expence. In short, Sir, we have been for these several years in a very odd sort of state; we have had war without hostilities, and peace without quiet; and while the nation continues in the same mongrel sort of state, shall this House pass high compliments on the conduct of our ministers?

To pretend, Sir, that the Amendment offered will shew a diffidence in his Majesty's conduct, is to tell this House, that we must never recommend any measures to our sovereign, or rather to the ministers of our sovereign; which is a maxim no member of this House will, I hope, admit of. Surely, Sir, we are not to neglect our duty to our country, or to our King, for fear of giving foreign courts cause to think that we have a diffidence in his Majesty's conduct: such surmises we are always to disregard, even though the nation were in much greater danger than it is at present; and for this we have many precedents, but one I shall take notice of, which I think directly to the point. I believe it will be granted, that in the year 1702 this nation was in greater danger than it can be supposed at present; we had then actually declared war against France and Spain, who had at that time in alliance with them the king of Portugal, the duke of Savoy, and the duke of Bavaria, whereas we had none but the emperor and the Dutch; yet in that year this House not only recommended to the late queen, to prevail with the Dutch to prohibit trade

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with France and Spain; but actually made it one of the conditions of the power they gave her to augment her forces, and that no foreign troops she should take into her service, should enter into English pay till that condition was complied with. I do not doubt but the House was then told, that such a recommendation, much more such a condition annexed to this grant, would shew a mistrust in her Majesty's conduct; but they thought it their duty to do so, and therefore they had no regard to such insinuations; and we all know, that their behaviour was attended with no bad consequence.

The balance of power in Europe is certainly of as much consequence to other nations as it is to this; and when it comes to be really in danger, it is not to be questioned but we shall find other powers as ready to join with us as we are to join with them, for its preservation; and unless we shew too much readiness to bear all the expence, it is also certain, that those who are in equal danger will never refuse to bear their proportionable share of the expence. But if ever this nation should set itself up as the Don Quixote of Europe, we may then expect that most of the powers of Europe, who are not immediately attacked, will leave the whole burden upon us; and this, I am afraid, is too much the case at present; for as our neighbours the Dutch are more exposed to the danger than we are, I must conclude from their inactivity, that either they do not think the balance of power in danger, or otherwise we have given them room to believe that we will take upon us the defence of this balance, without putting them to any trouble or expence; and for this reason I think it is become absolutely necessary for us to give some such recommendations to his Majesty, as is proposed by this Amendment, in order to convince the world, that we are resolved not to set ourselves up as the dupes of Europe. Such a resolution can subject us to no dependency, because it is a resolution we can alter whenever we have a mind; for if such a case should happen, as it is hardly possible it ever will, that most of the nations in Europe should resolve to look tamely on, and see the balance of power quite overturned, I should then think it the duty and the honour of this nation, rather to play the Don Quixote of Europe, than to see our own liberties swallowed up in the ruins of those of our neighbours.

Then the question being put for agreeing to the Amendment, it passed in the negative by 265 to 185.

The Commons' Address of Thanks.] Whereupon the Address was agreed to as follows:

"Most gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return our humblest Thanks, for your Majesty's most gracious Speech from the throne; and to acknowledge, in the most grateful manner, your Majesty's tender and affectionate concern for the welfare of your people, in steadily pursuing such measures as have tended towards peace and accommodation, rather than to involve too precipitately this kingdom, and all Europe, in a general and bloody war.

"Among so many differing interests and contending powers engaged in the present war, it is your Majesty's wisdom and goodness alone, which could have secured to us our present happy situation; and the crown of Great Britain could never appear with greater honour and lustre, than by your Majesty's interposing your good offices between the contending parties: and as they have received them with due respect, we cannot but hope, their own prudence will help to complete so desirable a work.

"It is our duty, and we beg leave to express the greatest gratitude to your Majesty, for the care and concern, which must have attended your unwearied endeavours, both in beginning and carrying on these good offices, which being accepted, have brought things to so great a forwardness, that a plan, in concert with the States General, may in a short time be offered to the consideration of all the powers engaged in the war; which, notwithstanding the great difficulties that must attend so great a work, may serve for the basis of a general negotiation of peace, consistent with the honour and interest of all parties, as far as the circumstances of time, and the present situation of affairs will permit.

"If these measures, concerted for the common repose and tranquillity of all Europe, should unhappily meet with any disappointment, your Majesty's wisdom and care must be acknowledged to have deserved that success, which the wisest counsels cannot always command. But, whatever the event may be, we beg leave to

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assure your Majesty, that this House will cheerfully and effectually raise such supplies, as shall be necessary for the honour and security of your Majesty and these kingdoms, and enable your Majesty to act that part, which honour, and justice, and the true interest of your people shall call upon your Majesty to undertake."

The King's Answer.] His Majesty made the following Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address. I depend entirely upon your fidelity and affection, and your due regard to the public welfare, that I shall be supported in such measures, as I may be obliged to pursue. And you may be assured, that the honour and interest of my crown and people shall be the rule and guide of all my actions and resolutions."

Standing Order relating to the Qualifications of Members.] February 6. The Commons resolved, "That on the petition of any elector or electors for any county, city, or place, sending members to parliament, complaining of an undue election and return; and alledging, that some other person was duly elected, and ought to have been returned; the sitting member, so complained of, may demand, and examine into, the qualification of such person, so alledged to be duly elected, in the same manner as if such person had himself petitioned."

Ordered, "That the said Resolution be declared to be a Standing Order of the House."

Debate in the Commons on the Number of Seamen for the Year 1735.] February 7. The House being in a grand Committee on the Supply, a Motion was made, That 30,000 men be employed for the Sea-Service for the ensuing year: but some members declaring that they thought 20,000 men sufficient, a great debate ensued; and the motion for 30,000 men was supported by sir Robert Walpole, Mr. Horatio Walpole, and Mr. Oglethorpe as follows:

Mr. Speaker; With respect to the Question now before us, I hope no gentleman expects, that for his satisfaction his Majesty should be obliged to disclose to this House all the secrets of his government, all the negotiations he is now carrying on with foreign powers, and all the private informations he may have received, in relation to the views and designs of the several powers now engaged in war: nor can it be expected that his Majesty should now declare positively to us what he is resolved to do, in relation to his engaging or not engaging in the present war: if any such thing could be done, I believe it would very soon put an end to the question, but no such thing has ever yet been practised, nor has this House ever thought such a practice necessary, for inducing them to agree to any demand made by the crown, and I hope it never will. For if ever this should come to be thought necessary, it would lay this nation under a very great disadvantage; because it cannot be expected that what is once disclosed, in such a numerous assembly, should continue long a secret; from whence this inconvenience would necessarily ensue, that foreign powers might, at all times, proceed with great secrecy in their measures, for the destruction or disturbance of this nation, while we could do nothing to annoy our enemies, nor even be provided for our own defence, but in the most open and public manner. Nay, if our king should at any time get information of the designs of our enemies, he would be obliged to discover to this House, that is to say, he would be obliged to tell our enemies, from whom he had that information, and on such a supposition, it is certain no information would ever be given to us; we could never know any thing of the secret designs of our enemies, till the very moment of their execution; and therefore we must conclude, that such a maxim in this House would be absolutely inconsistent with the safety of our country. For this reason we must, in the present case, and in all such cases, take the argument entirely from what appears in his Majesty's Speech, and from those publick accounts, which are known to every gentleman in the House. Upon this footing, Sir, and upon none other, shall I presume to give my reasons for agreeing to the augmentation proposed; and, indeed, upon this footing the reasons are, in my opinion, so evident and so strong, that there is no occasion for inquiring into any secrets, in order to find other reasons for our agreeing to this augmentation. From what has as yet appeared we are not, it is true, obliged to engage in the present war; for as the motives, or at least the pretended motives of the war, relate entirely to the affair of Poland; and as that is an affair in which the interest of this nation is no way concerned, we are not obliged to engage in the war upon that account: the emperor

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has, indeed, called upon us for the succours, which he pretends are stipulated by the treaties subsisting between us; but as we are not, by any treaty, engaged to support either one party or other in Poland, or to support his Imperial Majesty in his views relating to that kingdom, therefore we do not think ourselves obliged, by any treaty subsisting between us, to furnish him with succours in a war, which has been occasioned, as is pretended at least, merely by the present dispute about the election of a king of Poland. If we were absolutely certain, that the motives assigned were the real and the only motives for the present war; if we had a full assurance that the parties engaged would carry their views no farther, I should readily grant that there would have been no occasion for our putting ourselves to any expence, nor would there be now any necessity for the augmentation proposed; but this is what we neither could at the beginning, nor can yet depend on. Foreign courts may have secret views which cannot be immediately discovered; but his Majesty, by offering to interpose his good offices, has taken the most effectual method for discovering the secret views of all the parties concerned; and if, by the interposition of his good offices he should discover, that either of the parties engaged in war will accept of no reasonable terms, we may from thence conclude, that the affair of Poland was not the only and real motive for the war; but that under that pretence there was a design formed to overturn the balance of power in Europe; in which case we should be obliged, both in honour and interest, as well as by treaty, not only to take a share in the war, but to join with all our force against that party, who we found had formed such a design.

In the formation of every design for overturning the balance of power in Europe, the party that forms it must not only have great ambition, but, before he dares attempt to put it in execution, he must have some hopes of success: the ambition of our neighbours, Sir, is what we cannot prevent, but we may, by proper precautions seasonably taken, deprive them of all hopes of success; and by so doing we shall always prevent their attempting to put their design in execution. From this maxim we may see the wisdom of the measures taken last year: his Majesty did not find himself obliged to take any share in the war, but as the ambition of either of the parties engaged might at last involve this nation in the war; therefore he offered to interpose his good offices for bringing about an accommodation: Whatever might have been the views of the parties engaged at the beginning of the war, yet upon seeing this nation put itself in such a posture of defence, they all thought proper to drop any ambitious views they might then entertain, by accepting of the good offices his Majesty had offered: their ready compliance in this respect, can be attributed to nothing but the preparations we made last year, and the powers that were granted by last session of parliament to his Majesty; for by these we deprived them of all hopes of succeeding in any of their ambitious views. It was this, Sir, that produced an acceptance of the good offices his Majesty had offered; and if we should slacken in our measures, if we should discontinue our preparations, it would render us despicable in the eyes of all the parties engaged in war, and would consequently disappoint the good effects we have reason to expect from that acceptation. At the beginning of last session it was very well known, that the French were fitting out a large squadron at Brest, and were providing transports and a land-army to be sent along with that squadron, under pretence of relieving Dantzick. In such a situation, Sir, I should have thought those, who had the honour to advise the King, very imprudent or very unfaithful counsellors, if they had not advised him to put the nation immediately into a state of defence; for though it was probable, neither the French nor any other power would attack us while we continue neutral, yet it is certain it was then and always will be, very much the French interest to have this nation of its side; and if they had then seen, or should upon any such occasion see, that it would be easy to overturn our government, by our not being sufficiently provided for defence, and could, by overturning our government, get numbers of this nation to join with them, it would then have been, and always will be, worth their while to make the attempt; therefore, in order to preserve the peace and quiet of the nation, we ought always to be upon our guard, and ought to make some additional provision for our defence, when any of our neighbours are fitting out large squadrons, which may possibly be made use of to attack or invade this nation. This, Sir, was the reason, and this was then, I think, a sufficient reason for his Majesty's desiring 20,000 men the last session of parliament,

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for sea service; but from what has since happened this reason seems to have gathered a little more weight; for though there was no particular reason to suspect, that the French squadron was designed against us, yet there was no other place in the world for which it could be designed, except Dantzick; and whether it was designed for Dantzick, or not, it is certain it did not go to Dantzick; for we all know it continued at Brest the whole summer.

After the last session of Parliament had agreed to the 20,000 seamen desired by his Majesty, he had an account, that besides the squadron fitting out at Brest, both the French and the Spaniards had given orders for fitting out all their ships of war, lying in any of their ports, from Toulon round to Brest; from whence his Majesty, with great reason, thought it absolutely necessary to make a farther addition to his naval force; for which purpose he applied to his parliament for a power to do so; and in pursuance of the powers granted him upon that application, he has since made an addition of 7,000 men to the sea service, so that our present naval establishment consists of 27,000 men; 7,000 of which must be reduced, if we should agree to grant but 20,000 seamen for the ensuing year.

Having thus, Sir, laid the present state of our naval force before you, let us consider the present state of the affairs of Europe, the circumstances our neighbours are in, the circumstances we are in ourselves. As to the affairs of Europe, it is certain they seem to be in no less dangerous state than they were last year; his Majesty's good offices are, indeed, accepted of, but that acceptation has not as yet produced the wished for effect, nor can it be expected it should, if his Majesty should appear to be less powerful when he comes to offer terms of peace, than he was when he made the offer of his good offices; we cannot therefore, from the present state of the affairs of Europe, draw any argument for diminishing our naval force. Then as to the circumstances of our neighbours, it is very certain, that not only all the ships of war, fitted out either by the French or Spaniards, are continued in commisssion; but both these nations are with the utmost application rebuilding and repairing every ship of force they have in their dominions, and are besides building new ships of war as fast as they can: from whence I think it is evident, that instead of making any reduction of the naval force we had last year, we ought to make some addition, and the addition proposed, which is properly but 3,000 men, is, in my opinion, the least that can be thought of.

This, Sir, must be thought still more reasonable, if we consider our own particular circumstances, and the difficulty there is of getting our seamen together after they are once dispersed. In countries where absolute and arbitrary government prevails, they have all their seamen registered, and they always know where they may find them when they have occasion for them. Their seamen, as well as their other subjects, are under a sort of martial discipline, they cannot absent themselves without a furlough, and they must remain absent no longer than their furlough gives them leave; by which means the government always knows what number they may depend on upon any emergency. But in this happy country, where every private man enjoys his full liberty, we cannot command our seamen to stay at home, nor can we call them home when we have a mind; for, notwithstanding the difficulties which every one knows we found last summer, to man the fleet then fitted out, yet it was computed there were at least 11,000 British sailors employed all last summer, on board of British ships in the service of foreigners, either as transports or as trading ships. In this country we never have any way of providing sailors for our fleet, upon any sudden emergency, but by impressing those seamen we find by chance at home, or upon our own coasts; and this method is always attended with so many inconveniences, that, in order to prevent our being at any time reduced to that necessity, every man who has a due regard to the liberty and the happiness of the subject must agree, that we ought, upon every occasion, to begin early to provide against any danger we think we have reason to apprehend.

In all the measures we have hitherto taken, relating to the present war, our ancient and natural allies, the Dutch, have cordially joined with us in every thing. They joined heartily with his Majesty, in offering their good offices for composing the present unhappy differences in Europe, and they have likewise joined his Majesty in concerting a proper plan for a pacification. It may perhaps be insinuated, that they have put themselves to no expence on account of the present war; but this is neither a just nor a true insinuation; for

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it is very well known, that before this war broke out, they had resolved to have made a very considerable reduction of their land-forces. Every one knows, that soon after the peace of Utrecht they reduced their army to 32,000 men, and for several years after they kept it at that number; but upon a change which happened in the affairs of Europe, they augmented it again to 52,000 men, and at that time we likewise found it necessary to increase our army to 26,000 men. The war with which Europe was then threatened was happily prevented; and as soon as it was, we immediately began to reduce our army; we reduced at first 5,000, and soon after 3,000, of the number we had increased it to; but the Dutch made at that time no reduction; they never thought of making any reduction till the very year before the present war broke out; then indeed, a resolution was actually taken in some of the provinces to reduce 10,000, and that was soon to have been followed by the reduction of another 10,000, in order to have brought their army to its former standard of 32,000 men; and both these reductions have been put off, merely on account of the present war. So that, to speak properly, they have put themselves to the expence of maintaining 20,000 men ever since the war began; and therefore it is not to be wondered if they have made no addition to their fleet, especially if we consider, that they are in no danger of being attacked by sea, and the bad condition their navy happens to be in at present, which is occasioned by the vast expence they were put to during the late war, in which they were obliged to maintain a much greater number of land forces than we maintained, and were farther obliged to be at the expence of all the sieges that were undertaken during the war.

The Dutch, it is true, Sir, concluded a treaty of neutrality with France, with regard to the Austrian Netherlands; but it is not from thence to be concluded, that they are engaged in any interest separate from us. They were no way concerned in the affair of Poland, no more than we: if their barrier was secured, and the balance of power not brought in any danger, they had good reason to think themselves no way concerned in the war; the first they provided for by their treaty of neutrality, and the last could be in no danger, as long as the parties engaged in war confined their views to what they then publicly declared; but if either of them should begin to extend their views, and thereby bring the balance of power into danger, the Dutch would be then at liberty, and would certainly do what was incumbent upon them in such a conjuncture; and till that conjuncture happens, we can have no more concern in the war than they; nay farther, in the concluding of that treaty of neutrality, so careful were the Dutch to preserve to themselves a liberty of doing afterwards what they should find proper; that by an express provision in the treaty, they have reserved to themselves a power of sending the stipulated succours to the emperor, in case they should find it necessary so to do.

Thus, Sir, it appears that the Dutch are so far from having fallen into any measures separate from us, that they have continued a heavy charge upon themselves, in order to be ready to join with us in any measure that may hereafter appear necessary, for preserving the balance of power in Europe; and for that reason, as well as a great many others, I think it is incumbent upon us to put ourselves in such a condition, as may enable us to act that which Great Britain ought to undertake in the glorious cause of preserving and securing the liberties of Europe.

In opposition to the above Motion, and to shew the sufficiency of 20,000 men for the Sea-Service, sir John Barnard, sir William Wyndham, Mr. Pulteny, sir Joseph Jekyll, and Mr. Willimot, Member for London, urged the following arguments:

Mr. Speaker; I believe it was never pretended to be laid down as a maxim in this House, that, in order to induce us to agree to the demands made by the crown, the king was obliged to disclose to us all the secrets of his government; but when we are to lay heavy taxes upon the people we represent, I must think some other reasons ought to be given us than those we meet with in public gazettes, and common news-papers; such accounts I shall always think below the notice of a British House of Commons; but since we have at present none other before us, I shall condescend, or rather beg leave, to argue from such informations, as well as the gentlemen who seem to differ from me in opinion: however, I hope, this practice will not be drawn into precedent, for I shall always think it inconsistent with the honour of this House, and with the duty we owe to our constituents; we ought never to

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ground our opinions upon any informations, but such as we receive directly from the throne, or such as are laid before us in the most solemn manner; and if in any case we ought to be cautious in this respect, it ought surely to be in matters, which may any way relate to the loading the subject with taxes.

As no account has been laid before us of any of our late treaties or negotiations; as we have had no account how this nation stands engaged, with respect to either of the parties now at war, it is certain, that the argument now before us must be taken up entirely upon the footing of his Majesty's speech, and of those public accounts, which every man knows who is a member of any coffee-house club, as well as every gentleman who has the honour to be a member of this House. If we look into his Majesty's speech, we there find that he has not yet engaged himself any way but by his good offices, for reconciling the differences at present subsisting in Europe: from his Majesty's speech it cannot therefore be pretended, that we are now in any greater danger than we were last year, unless these good offices have been employed in such a blundering way, by those his Majesty has entrusted, as to make us parties in the dispute which I hope no man in the least suspects; and therefore, from his Majesty's speech, there cannot be drawn any show of an argument for the augmentation proposed.

The argument then, Sir, must rest wholly upon the accounts we have from public gazettes and news-mongers; and if any credit can be given to such informations, I must now think, as indeed I have always thought, that 20,000 seamen were more than sufficient for the service of this nation last year; for considering that those from whom we have any thing to fear by sea, were then deeply engaged in war, it could not be supposed that they would insult or invade us, unless they had found that we were to have engaged against them. I shall grant, that it would have been very much for the interest of France to have had this nation join with them; but considering the great standing army we then had in Britain and Ireland, considering the number of ships we then had in commission, and considering how generally well affected this nation is to the present happy establishment, can we suppose that France would have attempted to overturn our government with a squadron of 18 or 20 men of war, and an army of 4 or 5 regiments; when by making such attempt and failing in it, they would have drawn the highest resentment of this nation upon themselves; and that a time when they were deeply engaged in war with another power, and when without such a provocation they had, in all appearance, nothing to fear from this nation? Apprehensions founded upon such odd suppositions can never be wanting; and if this House should give way to such apprehensions, we must never expect to be relieved from the load of debts and taxes we now groan under.

But, Sir, we had the last year so little reason to fear that France had any design against us, that it was certain, their fleet which was fitted out at Brest, was at first designed for the relief of Dantzick, and would probably have sailed thither time enough to have prevented the ruin of that trading protestant city, if it had not been for our extraordinary, and, I think, unnecessary armaments in Britain. The honourable gentleman took notice, that the Brest fleet did not go to Dantzick, and seemed from thence to insinuate, that it was designed against this country, if the design had not been prevented by our preparations; but it is very well known, that it was our preparations that prevented that fleet's sailing to Dantzick, as it was really designed; it is very well known, that Spain imagined our fleet was designed for the Mediterranean, in order to prevent their expedition against Naples and Sicily, and therefore they insisted upon it that the French fleet should remain at Brest, in order to watch the motions of the fleet we were fitting out. This, Sir, was I believe, the true and the only reason why that fleet did not sail to the relief of Dantzick; but this was not the only effect of our voting 20,000 men for Sea-Service; neither France nor Spain could imagine, nor could they, I think, have any reason to imagine, that we were putting ourselves to such a vast expence, for no other end but to make a show at Spithead or in the Downs; they both began very reasonably to suspect, that we had some design against them; and, upon this account they both began to add to their naval preparations: this again we find, increased our jealousies and fears, and produced that memorable Vote of Credit, with which the last parliament, I may say, expired; and, in pursuance of that Vote of Credit, we are now told, this nation has been charged with maintaining 7,000 idle seamen, besides

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the 20,000 voted last session of parliament: thus one unnecessary expence produced another, and both are now joined together not only to be continued, but also to produce a third.

However, Sir, though I am still of opinion, that 20,000 men was a number much greater than was necessary for the service of last year, yet I shall not propose to lessen that number for the year ensuing; but I am really surprised to hear an augmentation of one half of that number called for, and that without his Majesty's having signified to us, either in his speech or by a particular message, that some designs were hatching against this nation in particular, or against the liberties of Europe in general. His Majesty having made an addition last year of 7,000 men, by virtue of the powers granted to him last session of parliament, cannot be any argument with me, as a member of this House, for continuing that number, unless his Majesty had been pleased to communicate his reason for making that addition: as his Majesty has not been pleased to do so, and as I am of opinion that 20,000 was too great a number, I must consequently be more strongly convinced that 27,000 was too great a number; and as I cannot see that we are in any greater danger this year than we were the last, I must therefore be against loading my constituents with maintaining that additional number for the year ensuing.

It may be true, that the French and Spaniards, have continued their ships of war in commission; but if we can rely upon public News-papers, and these, it seems, are the only accounts we are to have, the French have dismissed all or most of the seamen belonging to their Brest squadron; and neither they nor the Spaniards are making any extraordinary naval preparations, nor are they fitting out any considerable squadron at any port in either of those kingdoms; so that we have this year really less reason to apprehend any danger by sea, than we had the last; because it cannot now be said, that a foreign squadron, with a land-army on board, is to pass by our very doors: they may perhaps have a little more command over their seamen than we have, though I cannot allow they have a great deal, considering our method of pressing; but it is not possible for both these nations joined together, to fit out a fleet, suddenly and privately, stronger than any we can send against it, as long as we have 20,000 seamen in actual service; for it is very well known that if a man of war has two thirds sailors on board, and another third landmen, she is always sufficiently manned, either for sailing or fighting; so that from a hot press among our coasters, colliers and inland trade, we could in a very few days increase the number of men on board our ships of war to 40,000 at least, which is a greater number than we ever had occasion for during the last heavy war, 32,000 seamen and 8,000 marines being the greatest number that was ever provided in any one year during that war.

Whether the motives for the present war relate entirely to the affair of Poland, or whether we had any concern in that affair, is what I shall not, Sir, take upon me to determine; but I think it is pretty plain, that the motives of the kings of Spain and Sardinia could not any way relate to the affair of Poland; their motives certainly proceeded chiefly from some late transactions between the emperor and them, in which, I believe, we had some concern: and even with respect to the affair of Poland, if we give credit to common reports, which are the only grounds of our present debate, we had some concern in that too; for it has been confidently reported, that when Augustus, late king of Poland, was first taken ill, which was a year or two before his death, the French Court, with which we were then in very good terms, desired to know of us, whom we inclined to have for successor to Augustus, as king of Poland; that we did not then give them any positive answer, but told them negatively, we did not incline that any German prince should be raised to that dignity; and that some time after there were positive instructions sent to our minister in Poland, to cooperate with the French minister in bringing about the election of king Stanislaus: this, Sir, is only a common report, and therefore I shall not take upon me to aver the truth of it; but as the letters and instructions sent upon that occasion to our minister in Poland, were moved for in last Parliament, though a negative was then put upon it, I hope it will hereafter be complied with, in order to clear our conduct from that imputation.

To deprive our neighbours of all hopes of success in any of their ambitious views, is, without doubt, the most effectual way to prevent their forming any such, or at least their attempting to put them in execution; but how is this to be done, Sir? It is to

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be done by a wise and frugal management of our affairs in times of no danger, by avoiding all occasions of needless expence, and by reserving our whole strength for the day of real danger: our ships of war may soon be fitted out, our armies may soon be raised and brought into the field, if we have but money enough for these purposes: but if we have thrown away our money upon idle and unnecessary armaments; if, by vain fears and ridiculous apprehensions, we have run ourselves in debt, or neglected to clear those mortgages our former misfortunes had subjected us to, our ambitious neighbours will look upon us with contempt, and will certainly conclude, that it is not in our power to put a stop to their ambitious designs. In this view, Sir, is it not evident, that the more money we spend in unnecessary armaments, and before the danger calls upon us, the less able we shall be to deprive our neighbours of the hopes of success in any of their ambitious projects? Neither this nation nor the liberties of Europe are, at present, in any apparent and immediate danger, but a time may come, a conjuncture may happen, when we, and perhaps the greatest part of the world, will be necessarily involved in a most dangerous and a most bloody war: if the present emperor should die before the affairs of Germany are fully settled, may not every gentleman foresee what must be the consequences? The princes of the empire all tearing one another to pieces, and every one of its neighbours endeavouring to take hold of some part of the Austrian dominions: the Turks attacking it on one side, the French attacking it on the other, and the balance of power in danger of being lost, let whatever side be the conqueror. This, Sir, is an event that may happen, I hope it never will, but as it is possible, we ought to provide against it; and for that reason we ought not to exhaust the money and the strength of the nation in needless expences or unnecessary equipments: whereas we seem to be pursuing a quite contrary measure. Though it be now, with respect to this nation, a time of profound peace and tranquillity, yet I reckon our expences for next year will amount to three or four millions, which is a most prodigious expence, a greater expence than the nation was put to in any one year of that heavy war in king William's reign; for the expences of that war never exceeded three millions a year: and even during the war in queen Anne's reign, that war which proved so glorious to this nation, and so beneficial to every one of our Allies, there never was a greater number of seamen provided for by parliament, than what is now proposed in a time of profound peace: for 30,000 seamen, and 8,000 marines was, as I have already taken notice, the greatest number that was provided for by Parliament, in any one year of that glorious and successful war.

To pretend, Sir, that the preparations we made last year, or the powers granted the last session of parliament to his Majesty, produced the acceptation of our good offices, is something very surprizing, especially when we consider what sort of an acceptation we have been favoured with: the emperor has accepted of our good offices under this express provision, that his acceptance should not be looked on as a passing from those succours, which he insisted on we were obliged to furnish him, by the treaties now subsisting between us: and the Allies have likewise made their acceptation conditional: for they have accepted of our good offices under this express condition, that we should continue neutral, with respect to the present disputes between them and the emperor. Can it be imagined that warlike preparations were necessary, or that extraordinary powers granted by parliament were necessary for producing such limited acceptations? Can any man doubt but that we should have obtained such an acceptation of our good offices, though no such preparations had ever been made, though no such powers had ever been granted? But even supposing that this acceptation was produced by the warlike preparations we made last year, must not every man agree, that this conditional limited acceptation has cost us a terrible price, when he considers that it has cost this nation at least a million sterling: and if the plan we are to offer, in pursuance of this acceptation, should at last be rejected, what benefit, what honour can we receive from the expences we have put ourselves to?

For our encouragement to go on with these peaceful preparations, we are told, Sir, that the Dutch have joined cordially with us in all our measures: this assertion, Sir, I am surprized at; it really amazes me. How far they have joined with us in the tender of good offices, or in concerting a plan for a pacification, I shall not pretend to determine: in this they may perhaps have complimented us a little, because it cost them nothing; and they

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may easily excuse themselves in case the plan should prove disagreeable to either of the parties concerned; but that they have put themselves to the same expence we have done, or that they have put themselves to any expence on account of the present war, cannot surely with any justice be pretended. To tell us, that just before the war broke out, one, or perhaps two, of the seven united provinces had come to a resolution, to reduce 10,000 men, and to conclude from thence that 20,000 would certainly have been reduced, if the war had not broke out, must appear to be a very extraordinary sort of reasoning to every man who understands any thing of the constitution of that republic: by their constitution, every one of the seven provinces must have consented, before that resolution could have taken effect; and though the interior provinces, who lie remote from danger, were perhaps for that reduction, yet the frontier provinces, whose only defence against sudden invasions consists in the multitude of their fortified towns, the strength of their fortifications, and the numbers of men in the several garrisons, would never have consented to such a reduction; so that the resolution taken by one province would probably have been of no effect, even as to the 10,000: but to argue from thence, that they would certainly have reduced another 10,000, is really such reasoning as I am amazed to hear in this House: it really looks as if some gentlemen thought, we wanted only a pretence for agreeing to what they have a mind to propose!

It is true the Dutch did, immediately after the peace of Utrecht, reduce their army to about 32,000 men; but at that time they knew, that all the kingdoms and states in Europe were sick of war; they could easily foresee, or at least they thought so, that there was not the least danger of any rupture for several years to come; and therefore their frontier provinces then easily consented to that great reduction: but considering the vast extensive frontier they have to guard, and the multitude of garrisons they are obliged to keep in their own frontier towns, as well as in the barrier-towns they have in the Austrian Netherlands, such a small number of regular troops is almost at all times inconsistent with the safety of their state; and moreover it is, and always was, inconsistent with, and contrary to, the treaties and alliances they have both with the emperor and us. Accordingly, both the emperor and we complained heavily at that time of the great reduction they had made; and this nation in particular had like to have suffered by it; for upon the rebellion, which broke out soon after in this kingdom, it is well known that the Dutch could not send us the quota of troops which, upon that occasion, they were obliged by treaty to send us, till we got troops marched down from Germany to replace their troops, before a man of them could stir out of the garrison he belonged to: nay farther, Sir, it is very well known, that the emperor, by treaty, pays them yearly 5 or 600,000 crowns out of the first and readiest of his revenues in the Netherlands; in order to enable them to maintain their barrier, and to keep at all times a sufficient body of troops in their service; so that if they should make any great reduction in the army, the emperor would have very good reason to stop the payment of that subsidy.

Upon the whole we must conclude, that if the Dutch had made any reduction in their army, and much more the two reductions talked of by the honourable gentleman, they would have acted contrary to the treaties subsisting between them and their allies, and inconsistently with the safety of their country; therefore we ought certainly to presume that all the seven provinces would never have consented to it, though no war had broke out; and I am apt to believe the resolution talked of, which was a resolution of the province of Holland only, was a piece of mere policy, without any design that the resolution should actually take effect.

Thus, Sir, I have, I think, made it evident, that the Dutch have put themselves to no expence on account of the war, no, not even in the sense the honourable gentleman was pleased to insist on; and indeed they have not, of late, seemed to join cordially with us in any thing but good offices, which they are sure can neither put them to any expence, nor do them any other injury. Their treaty of neutrality, it is certain, they concerted and concluded without our participation; and, I believe, without our privity; and though they have reserved a power of sending the stipulated succours to the emperor, yet that does not much alter the case, if we consider what is meant by these succours.

The succours there meant are those stipulated by the late treaty of Vienna, in which we, it is true, got them named principal contracting parties; but this to me seems to have been nothing but a poor

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expedient, contrived by some of the ministers concerned in that negotiation, on purpose to make the world believe, that we did nothing but in concert with our ancient and natural allies the Dutch: for in the negotiating and concluding of that treaty, they were so far from acting cordially, or in concert with us, that after we had gone at once over head and ears into that treaty; and had thereby obliged ourselves to guaranty the Pragmatic Sanction, *totis viribus*, it was with great difficulty they were, after a long negociation, brought in to accede to that treaty, though we had then a noble lord at the Hague as our minister, who was as able a minister, and as good a negociator as any we ever had in any part of Europe: and even at last they were very far from coming plumb into that treaty or guaranty; for the succours they then stipulated were then limited to 4,000 foot and 1,000 horse, or a number of ships in proportion to that number of troops, at their own option; so that we may believe the French gave themselves very little trouble about admitting that reserve in the treaty of neutrality, afterwards concluded between them and the Dutch.

Nay, farther, Sir, notwithstanding this limited manner of the Dutch accession to the treaty of Vienna, yet, so clearly did they foresee the consequences of that treaty; that the very next day after the accession was signed, their pensionary came to that noble lord, who was then, as I have said, our minister at the Hague, and proposed to him, to enter with us into a treaty of Neutrality, not only with respect to Flanders, but also with respect to several other countries in Europe, about which disputes might arise. And, I suppose, upon our neglecting or refusing that proposition, they afterwards resolved upon the treaty of Neutrality with France, and concluded it without letting us into the secret. Thus, Sir, the Dutch have, in all their late negotiations, taken particular care of their own security, without rashly disobliging any power in Europe; whereas we, by our hasty and inconsiderate conclusion of the treaty of Hanover, and the measures thereafter pursued, disobliged both the Emperor and Spain, without gaining one advantage to ourselves. By the treaty of Seville, by which we endeavoured to reconcile ourselves to Spain, we still farther disobliged the emperor, without obtaining any advantage to ourselves, or even satisfaction from Spain for the depredations committed upon us. And by the treaty of Vienna we again disobliged Spain, and highly affronted France, still without obtaining the advantage for this nation, but on the contrary engaging in a very dangerous guarantee: This, indeed, neither France nor any other power had reason to be angry at, but France had some reason to be affronted at the manner in which it was done; because by the treaty of Hanover, in which France and we were the two principal contracting parties, both were expressly obliged to enter into no negotiation or treaty, without communicating the same to the other.

From what the honourable gentleman said, about our having reduced 8,000 men out of the 26,000 our army was increased to after the late famous treaty of Hanover, he seems to think, that this nation is always to be loaded with an army of 18,000 at least, even in the times of the greatest tranquillity. But I must beg his pardon for observing, that in a time of profound tranquillity, an army of 7 or 8,000 men is not only sufficient, but as great as ought to be kept up in this nation, if we have a mind to preserve our liberties; and therefore I must conclude, that if this war had not broke out, we should certainly have reduced 10,000 of our regular troops last year: For it is as much inconsistent with the safety of this nation to keep up more than 8,000 in time of peace, as it is inconsistent with the safety of the Dutch to keep less than 52,000; because we have no frontier to defend, nor any garrison to support: There can be no reason assigned for our keeping up any great number in time of peace, unless it be to support a hated minister against the resentments of an injured people, which I hope will never be the case of this nation: But if ever it should, I am sure it would then be ridiculous to call ourselves a free people. In this view, Sir, let us consider the charges we have been at on account of the present war; we have been at the charge of this 10,000 land-forces, which we might otherwise have reduced; we have been at the charge of 6 or 7,000 land-forces which have been added to our former number; and if we have at present 27,000 seamen in our pay, we have been at the charge of adding no less than 19,000 men to our naval force. So that if it were true, that the Dutch have kept up 20,000 men, which they intended to have reduced, yet the expence they have been at would not be equal to what we have been at, nor could it be any argument for the augmen-

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tation now proposed; because it is not so much as pretended, that the Dutch intend to put themselves to any greater charge for the year ensuing, than they were at in the year past: And therefore I must think the honourable gentlemen, who are for the augmentation proposed, would have done better not to have mentioned the Dutch in this day's debate; for let them put the conduct of the Dutch in what light they will, it can no way answer the present purpose.

As for that material question, Whether or no we ought to engage in the present war? It is indeed a material question; but, Sir, it is a question which no gentleman in this House, nor any man in the nation can answer, without being let into the secret of all our late treaties and negotiations. Thus much I shall say, that considering the melancholy situation of this country, the great load of debts, and the heavy taxes we already groan under, it is certain we ought not to involve ourselves in war, but in a case of the extremest necessity; and until that happens I am very sure, that every article of expence ought to be most cautiously avoided, that we may be the more able to support a war, when fatal necessity drives us into it whether we will or no. If neither the liberties of Europe in general, nor the interest of this nation in particular, be in danger by the present war, we have already gone too far; for, besides the great expence we have put ourselves to, the great preparations we have made may disappoint and prevent the effect of those good offices, his Majesty is employing for restoring the peace of Europe; because they may give one side reason to hope that we are to join with them, which will of course prevent their hearkening to those terms of peace they would otherwise have been glad to have accepted of; or they may give a jealousy to the other side that we are to join against them, which will of course make them suspect every thing we can propose, for bringing about an accommodation.

Besides these disadvantages, Sir, it is certain, that the great naval equipment we made last year, put a very great damp to our trade, and gave all our neighbours, but more particularly the Dutch, a very great advantage over us: It is true, we exported a great quantity of corn last summer, but that was owing to the situation and circumstances of our country, and not at all our management: For while our merchants were paying double freights for ships, and double wages to seamen, the Dutch, the Hamburghers, and all other rivals in trade, were carrying on their trade at the usual rates; which gave them a great advantage in every branch of trade, more particularly in the corn-trade, where the usual freight bears such a great proportion to the prime cost: Nay, such a scarcity was there at last of seamen in this kingdom, that our merchants could not really get ships to carry out the cargoes of corn which they had ready to have been exported; and while a stop was thus put to our exportation, the Dutch and others, who had by this time got an account of the demand, sent out their ships, and glutted the markets for corn, both in Spain and Portugal as well as in Italy. So that if we had not made such a great naval equipment, it is certain a much greater quantity of our corn would have been exported than really was.

But if the balance of power in Europe, or the particular interest of this nation, was really in danger, surely, Sir, we ought to have engaged at first, we ought not surely to wait till those, whose interest it is to join with us in the defence of either, be so far disabled as to be rendered incapable either to assist us, or to defend themselves. As to the particular interest of this nation, whether it be in danger or not from the present war, must entirely depend upon our late negotiations; and therefore it is, at present, impossible for me to form any judgment in that respect, because I am intirely ignorant of our situation, so far as relates to our foreign affairs: But from our not having joined in the beginning of the war, I must conclude, that the particular interest of this nation is no way concerned in it? and therefore I must think it was quite unnecessary to put ourselves to any charges on that account.

As for the balance of power, it ought certainly to be preserved: In this, Sir, all the other princes and states of Europe are as much, nay, more nearly concerned than we; therefore they ought to bear their share in the expence, and will certainly do so when they find it necessary. But if, upon this pretence, we run ourselves headlong into every broil that happens in Europe, the Dutch, as well as the rest, will very probably leave the whole charge upon us: They will neglect providing in time even for their own defence, when they find us such dupes as to be ready, upon all occasions, to make that provision for them. Whether our late preparations have given

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them any ground to think so, I shall not pretend to determine: but as I look upon the Dutch to be a very wise people, I must either conclude that they think so, in which case we ought not, by any new augmentation, to encourage them in that opinion; or I must conclude, that the balance of power is not in any danger: For though it could be supposed that the chief magistrates in Holland were inclined to sacrifice the interest, or the safety of their country, to their own safeties, or their own little private views; yet, if the balance of power were in any danger, the people would force them to join in the war. The magistrates of that republic are not protected either by riot-acts, or by regular troops quartered in the very bowels of their country; and therefore the people might and would certainly force them to do their duty, or would massacre them as they have done heretofore: For this reason I am inclined to think, that the balance of power is not yet in any danger, and if the balance of power be as yet in no danger, nor the particular interest of this nation in any danger, there was no occasion for our being at any expence on account of the present war; much less is there any occasion for our putting ourselves to the expence of the augmentation proposed; for which reason I must be against it.

To this it was replied by the Members who were for the motion for 30,000 men, as follows:

Sir; Gentlemen have of late fallen into a method of departing from the question in hand, and throwing out a great many things no way relating to the subject they speak to. This I suppose they do with design to make an impression upon some that hear them; and conscious that they cannot convince by reason, they endeavour to persuade by oratory, and by florid expressions no way relating to the affair in dispute. Though it be irregular even to follow them in these deviations, yet, as such things ought not to pass without some sort of answer, I hope the House will give me leave to make a few remarks upon some things that have been said, notwithstanding their having no relation to the affair now before us; but first I shall endeavour to speak to the question in hand. The only proper question now before us, Sir, I take to be, What is the number of seamen necessary for the security of this nation during the ensuing year? Which is a question that, in my opinion, no way relates to our past conduct, to the conduct of any of our allies, nor to the question, whether or no we ought to take a share in the present war?

With relation to the question now before us, his Majesty has given us, from the throne, all the information that is proper or necessary, and all the information that can, I think, be desired by any man who wishes well to his country. He told us at the beginning of last session of parliament, that he was no way engaged in the present war, nor had any part, except by his good offices, in those transactions, which had been declared to be the causes and motives of it: But that he could not sit regardless of the events of this war, nor could he be unconcerned for the future consequences of it; and I am sure no man, who has a regard to the welfare of this nation, or to the security of his Majesty's person and government, can desire he should. At the beginning of this session his Majesty told us, that he is not yet any farther engaged, than by employing his good offices in conjunction with the Dutch, for restoring the peace of Europe; but that his good offices have not yet had the desired effect: We are therefore in the present question to suppose, that this nation is not as yet any way engaged in the war; but, as his Majesty has told us, the bad consequences, that may arise and affect us by the war's being carried on, are obvious; and they ought certainly to be provided against, let the charge be what it will. Where facts are notoriously known to the whole world, where consequences are obvious to every man of common capacity, surely gentlemen do not expect that his Majesty, either in his speech, or by particular message, should give this House a long and particular detail of such facts or of such consequences; the bare mention of them is enough, and that his Majesty has sufficiently done, both at the beginning of the last, and at the beginning of the present session of parliament.

The balance of power in Europe may perhaps not be as yet in danger: Nay, Sir, we are to suppose it is not in danger; for if it were, his Majesty would certainly have acquainted his parliament with it, and we should now be providing only for our security and defence. Both parties as yet profess their sincere disposition to put an end to the present troubles, upon honourable and solid terms, and these professions may at present be truly sincere; but the

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events of war may make them alter their professions, or may render their professions insincere; and these events may be so sudden and so extraordinary, that without our joining immediately in the war, one of the parties engaged may be utterly undone: Two or three signal and entire victories might, in a few months, have such consequences, as might put it out of our power to relieve the party conquered, or to stem the torrent of success on the side of the conqueror. And I am sure it cannot be pretended, that in a few months we could raise and discipline such armies, and fit out such fleets, as would be necessary, both for the defence of our own dominions and for assisting effectually the party in danger of being quite undone: Armies it is true, may be soon raised; but according to the exact discipline now observed, it requires many months before those armies can be made fit for service, or proper to engage against an army of veteran well disciplined troops. I shall likewise grant, that our ships of war may be manned with one third land-men or marines, but even these land-men or marines must be some time on board, before they can either know or perform their duty in the fighting of a ship; for, I believe, a man of war, with a third part of her men just taken from the plough, would make but a poor figure against a ship of equal force, provided with able sailors and well disciplined marines. For this reason, Sir, when the affairs of Europe are brought to such a crisis, that an unlucky accident may render it absolutely necessary for us to engage immediately, and without delay, in the war, I must think it is incumbent upon us to provide in time, in order to have a sufficient number of well disciplined men, both for sea and land-service, so ready and so much at command, as to enable us to perform immediately that part, which a sudden emergency may make requisite, both for our own safety and the safety of Europe; and this cannot be done but by augmentations seasonably made, both to our fleets and armies.

As the preservation of the balance of power is of so much consequence to this nation, and so intimately connected with our safety, it is very certain that whatever power in Europe may project the overturning of that balance, that power must expect to have Great Britain for her enemy, as soon as her project comes to be discovered: we may therefore be assured, that when any one of the powers of Europe begins to entertain such ambitious view, they will of course endeavour to make a diversion, by invading this island; and this they will the more readily attempt, because we have always a strong party among us, who are ready to second any foreign attempts, for the accomplishment of their own selfish views, especially if at any time they find us not properly provided for our own defence. Because one of our neighbouring powers is engaged in war with another, we are not from thence to conclude, that neither of them will make any attempts upon this island; for if either of the parties engaged in war has really a design to overturn the balance of power, they will certainly conceal that design, and endeavour to cover it with professions of justice and moderation as long as they can; but when they find they can conceal it no longer, when they find that we begin to smoke what they aim at, can we believe they will wait till we attack them, or join with their enemies against them? on the contrary, ought we not to expect that they will endeavour to divert us, by giving us some business at home? and how do we or can we know but this may be the case at present? ought not we therefore to provide against such attempts in time, that we may be at liberty to do our duty, when we find the balance of power is really struck at?

Gentlemen cannot, it seems, distinguish, or at least, Sir, I find they will not distinguish between those events which might have happened, and events which, by proper care and precaution, were perhaps prevented: if by not providing in time for our defence, some signal misfortune should happen to the nation, such men would then have a just reason for finding fault with those employed in the administration. And if any such thing had lately happened, I do not doubt but that it would have been propagated with great industry, that our surprize was entirely owing to the two blundering brothers; but when all such accidents are prevented by the prudent measures that have been pursued, and by making seasonable and proper provisions for our defence, then it is pretended we never were in any danger; and from thence they take occasion to find fault with the expences that have been wisely and necessarily incurred by the making of such seasonable and proper provisions; and thus, Sir, some gentlemen will always find plausible pretences for decrying those

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measures that have been pursued, let them be what they will. However, I shall always think they act the wisest part who chuse to give us time and leisure to roast them in this House, for their expensive and extravagant measures, rather than to have our attention diverted from them by a civil war kindled up, or a foreign army actually landed in the island. And when a war was broke out, in which this nation might very probably be involved; when our neighbours, and those neighbours too from whom we have most to fear, were leading our great armies, and fitting out powerful squadrons, I must think that it was at least prudent in us to make those provisions for our security which were made last year; and as we are in the greater danger of being involved the longer the war continues, I cannot be against the small augmentation now proposed.

To pretend to tell us, Sir, what France and Spain intended to have done last year, or to pretend to tell us what they intend to do this next year, with the ships of war they have continued in commission, is, I think, something extraordinary. We may perhaps guess at some of their designs, but I shall always think it very imprudent, to leave the peace and quiet of this nation to depend upon such guess-work; especially when we consider, that they have no occasion to fit out any great fleet against any power in Europe but ourselves; and therefore it is not to be presumed, that they would put themselves to such a great expence, unless they were suspicious that the measures they have resolved to pursue may make this nation engage in the war; and in such a case, I think it is natural to believe, they would take the first opportunity to invade or disturb us: They have such an absolute command over all the seamen of their country, they have always such numbers of regular troops upon their coasts, or within a few days march of their sea-ports, that when they have their ships ready equipped and fit for sailing, it would be easy for them to clap seamen and land-forces on board; and they might arrive upon the coasts of this kingdom, before it would be possible for us to man and fit our fleet sufficient to engage them, if we had not made some extraordinary provision beforehand: this every man must be convinced of, who knows the difficulty we had to procure seamen enough for the squadron we fitted out last summer, notwithstanding the long time we had to look for them, and the method of pressing which we were obliged to make use of. Nor does it signify to tell us, that at this rate we shall always be obliged to fit out squadrons, and put ourselves to a great expence, whenever any of our neighbours begin to fit out one; for I take it to be a right maxim, I really think we ought to prepare and fit out a squadron, whenever we see any of our neighbours doing so, unless we very well know the purposes their squadron is designed for. The expence bestowed upon fitting out a squadron may be an expence to the public, but it is little or no loss to the nation; the whole is expended among our own people, and it not only improves our seamen, by making them acquainted with the service on board a man of war, but it increases their number; for every fleet we fit out encourages a number of land-men to engage in the sea service: whereas, if by neglecting to do so, the kingdom should be invaded, and a civil war kindled up, the nation would in that case suffer a real loss, a loss which might far surmount the expence the public could be put to by the fitting out of twenty squadrons; so that we may suffer by neglecting this maxim, but can never suffer by observing it.

I shall readily grant, that this nation would be more formidable, if we owed no public debts, and had the same fleet and the same regular army we have at present; but if we had no squadron ready to put to sea, nor any regular troops ready to take the field, I cannot admit that we should then be so formidable as we are at present, even though we did not owe a shilling in the world. We all know, that what now makes a nation formidable, is not the number nor the riches of its inhabitants, but the number of ships of war provided with able seamen, and the number of regular well disciplined troops they have at command: and, whatever gentlemen may think of the acceptation of his Majesty's good offices, I am persuaded they would not have been so readily accepted, if the parties had not seen us preparing to do them bad offices, in case they had refused to accept of our good. The accepting of our good offices will, at least, furnish us with an opportunity of making ourselves better acquainted with the views of all the parties concerned; and there is no condition annexed by either party, but what was and must have been understood when we made the offer. For surely, when we offered the interposition of our good offices, we were not to suppose that the emperor

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was, by his acceptance, to pass from any demands he thought he had upon us; nor were we to suppose that the allies would or could accept of our good offices, unless we continued neutral: and while we do so, our preparations can give no encouragement to either side to insist upon unreasonable terms: nor can they give the least jealousy to either side, unless one or the other have views, which they know to be inconsistent with the preservation of the balance of power in Europe.

I find, Sir, some gentlemen have got into a very odd way of talking, when they have occasion to mention the public expence; for if it the least exceeds a million it is to be called two, if it exceeds two it is to be called three: and because it may probably this year a little exceed three millions, therefore it is to be called four: so that a million with these gentlemen seems to be of very little consideration; yet when we talk of English money, I cannot but think that a million, or near a million, is a sum not to be despised, and one in four is surely a material difference. What the public expence was, during the war in king William's reign, or what the number of seamen was that was kept up during the late war, I shall not now inquire; I believe both were as the honourable gentleman has been pleased to represent, but I think neither material at present; for we are not to proportion our yearly expence, or our number of seamen, by past times, but by present necessities. When our neighbours increase their public expence, or their numbers either of seamen or land-soldiers, we must increase ours, otherwise we may happen to fall a sacrifice to our frugality: and as both France and Spain, but especially the latter, have very much encreased their naval force since last war, if we should be obliged to engage against those two powers, which I hope will not be the case, it is certain we should be forced to maintain a greater number of seamen, than we had at any time during the late war; and the sooner we begin to provide, the less harm shall we do our merchants, the less stagnation shall we make in our trade.

This, Sir, naturally leads me to take notice of the damage done to our trade, by the fitting out a squadron last summer. I shall allow, that our merchants thereby suffered some inconvenience, and were put to greater charge than usual for the freight of ships and wages of seamen: but when the whole is in danger, the private interest of particular persons must yield to it; and the stop that was put to our trade last summer, is, in my opinion, the strongest argument that can be thought of for the augmentation now proposed, and for our laying it down as a maxim, always to begin early to fit out squadrons, as soon as the danger of war begins to appear: for if we should never think of any augmentation of seamen till we come upon the very brink of a war, we must take or press 30 or perhaps 40,000 seamen all at once into the service of the public: and if the raising of 12 or 15,000 seamen last summer put such a damp to our trade, surely the raising of 30 or 40,000 all at once would put an entire stop to it: whereas if we begin early, and raise our seamen by degrees, fresh men encouraged by high wages, will be daily entering into the merchants service; those that enter this year will be seamen against the next, and thus every year will afford a new fleece for the navy, so that in a little time we may have our navy fully provided, even for the most heavy war, without putting at any time any great stop to our trade.

As for the Dutch, Sir, I do not think it necessary to enter into a disquisition about what they have done, what they ought to do, or what number of land forces may be necessary for the safety of that republic; for though they are our natural allies, yet surely we are not in every thing to be directed altogether by their conduct: we are a distinct nation, and though our interests be generally the same, yet in some particular cases they may happen to be different; and when it so happens, we must certainly follow different measures. The Dutch are, it is true, a wise people, but, as wise as they are, they may perhaps neglect or mistake their own interest, as well as the general interest of Europe; and if they do so, must we necessarily do the same? I hope no such thing will be pretended; for in such a case we should become in some manner a province to Holland, we should become a mere cypher in all public transactions, and should be no way regarded by any of the powers of Europe; for if they could but secure the Dutch, they might always depend upon getting us into the same measure; and when the Dutch found we had such a thorough dependence upon them, as good allies as they are, they might perhaps, now and then, make use of it in a way, which would no way contribute either to our interest or honour.

Permit me now, Sir, to take some no-

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tice of the reflections that have been thrown out upon our late negotiations and treaties. As for the treaties of Hanover and Seville, we had certainly very good reasons to enter into them at the time they were negotiated and concluded: and as they were approved of by both Houses of Parliament, I think have no obligation so say any thing in favour of either; for the approbation of a British Parliament I take to be a more authentic proof of their utility, than any thing that can be said by a private gentleman in their commendation; and all the objections to them have been already so often answered, that it is needless to repeat them; but when gentlemen give us such a terrible view of the consequences, that may ensue in case the present emperor should happen to die before the affairs of Germany are fully settled, I am surprized to hear them find fault with the late Treaty of Vienna, which was concluded for no other end but to prevent that fatal catastrophe: fatal it would certainly be to the affairs of Europe in general; and therefore I must think we had the strongest inducement to enter into the guaranty of the Pragmatic Sanction, in the most unlimited manner, as being the only expedient by which that fatal catastrophe may be prevented. What reasons the Dutch might have for their backwardness or caution about entering into that Treaty I do not know: but if I were to judge of their wisdom from their behaviour in that respect, I cannot say I should have the best opinion of it.

With regard to the attack made upon the emperor in Italy, by the Spaniards and the king of Sardinia, it is certain that this nation has neither given them any encouragement nor any provocation to do so; and whether the Imperial Court has given them any just provocation, is an affair, which the mediators must of course inquire into, when they come to offer a plan for a pacification. As to the affair of Poland, where the honourable gentleman had his information, with respect to what he has been pleased to relate to us about that affair, I shall not pretend to guess; but I must believe, that his Majesty knows nothing about any such answers having ever been given to the French, or about any such instructions having been sent to his ministers in Poland; this I must believe from what his Majesty told us in his speech at the opening of last session of parliament; and if there ever was any such thing, I am very sure that I am not to answer for all the measures that have been lately pursued, for that is one article I know nothing of.

To conclude, Sir, the nation has already been put to a farther expence on account of the present war; perhaps too some private men may have been exposed to some inconveniences, by the preparations we have already made; but these expences and these inconveniences ought to be born with patience, when we consider the differences between our situation and that of some of our neighbours: I believe I may justly compute, that by the bloody and obstinate battles, sieges and skirmishes, which have already happened since this war first broke out, each of the parties engaged has lost at least 50,000 men; so that while the trade of our neighbours is interrupted, while a stop has been put to all sorts of manufactures and improvements among them, while their lands are laid waste, such multitudes of their men destroyed, we have carried on our trade with security; our manufactures have been improved, and extraordinary quantities of our corn exported; no British farmer has been disturbed, not an acre of land laid waste, not a drop of British blood spilt: therefore, while we enjoy so much safety and quiet, I cannot think any man has reason to complain of the charge the nation has been put to, or of the few inconveniencies he has suffered, for the preservation of that safety and quiet which he has enjoyed: and as I am fully satisfied, that what is now proposed is absolutely necessary, for securing our future enjoyment of the same safety and quiet, I shall most heartily give my consent.

Then the question being put, That 20,000 men be employed for the Sea-Service for the year 1735, it passed in the negative by 256 to 183. After which it was resolved without dividing, that 30,000 seamen be employed for the said service.

Petition of Scotch Peers complaining of undue Practices in the Election of the Sixteen Peers.] Feb. 13. The following Petition was presented to the House of Peers, by the duke of Bedford, viz.

"To the right honourable the Lords spiritual and temporal in parliament assembled: The humble Petition of James duke of Hamilton and Brandon, Charles duke of Queensbury and Dover, James duke of Montrose, Thomas earl of Dundonald,

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Alexander earl of Marchmont, and John earl of Stair,

"Sheweth; That at the last Election of Sixteen Peers, to serve in this Parliament for that part of Great Britain called Scotland, a majority of votes was obtained for the duke of Buccleugh, the duke of Athole, the marquiss of Lothain, the earl of Crawford, the earl of Sutherland, the earl of Moreton, the earl of Loudon, the earl of Finlater, the earl of Selkirk, the earl of Balcarras, the earl of Dunmore, the earl of Orkney, the earl of Portmore, the earl of Hopeton, the earl of Ilay, the lord Cathcart; and they were accordingly returned.

"Your Petitioners, however, conceive it their duty to represent to your lordships, that several undue methods and illegal practices were used towards carrying on this election, and towards engaging Peers to vote for a List of Peers to represent the Peerage of Scotland, such as are inconsistent with the freedom of Parliaments, dishonourable to the Peerage, contrary to the design and intention of those laws that direct the election of the sixteen Peers of that part of Great Britain called Scotland, and such as may prove subversive of our happy constitution; instances and proofs whereof we are able to lay before your lordships, in such manner as your lordships shall direct.

"Wherefore your Petitioners humbly pray, that your lordships will be pleased to take this important affair into your most serious consideration, to allow these instances and proofs to be laid before you, and to do therein as in your great wisdoms shall seem most proper, to maintain the dignity of the Peerage, the freedom of the election of Peers for that part of Great Britain called Scotland, and to preserve the constitution and independency of Parliaments.——And your Petitioners shall ever pray.—— *(S. s.)* Hamilton and Brandon, Queensbury and Dover, Montrose, Dundonald, Marchmont, Stair."

*Proceedings in the House of Lords relating to the said Petition.**] After this Petition was read, the duke of Bedford stood up, and moved for a day to take it into consideration; he would not positively

* "The eyes of all England, and indeed of great part of Europe, were now fixed upon the proceedings of the House of Peers, with regard to the election of the Scots peers. The reader has already seen the manner in which that election was conducted, and the Protests thereupon. Some of the peers and their families then in the opposition, had been ever distinguished, even in the worst of times, by their attachment to the Protestant succession in the house of Hanover, and some of them, particularly the earl of Stair, was represented as a kind of confessor in that cause.

"He was a nobleman of a most graceful, elegant, person; his courage was unquestionable; and though, perhaps, he had his equals as a general, it was acknowledged by all parties, he had none as an ambassador. The disappointment of the rebellion of 1715 in Scotland, was chiefly owing to the measures he had formed with the duke of Orleans, afterwards Regent of France, while he was ambassador at the French court. Lewis XIV. was then on the brink of the grave, and made no secret that he hated Stair, though he gave no other reason for it, than his attachment to the house of Hanover. The earl of Stair knew this; but he knew, at the same time, that Lewis was then unable to get either statesmen or generals to carry into execution the plans he had formed in favour of the Pretender. His lordship availed himself of this knowledge, and employed both his money and credit so well, that nothing was transacted, even in the French king's most retired cabinet, that the earl of Stair was a stranger to. But notwithstanding all his great abilities, in his military and ministerial capacity, his lordship had weaknesses. Conscious of the great services he had done to the house of Hanover, he put it out of his sovereign's power to repay them, because he over rated them. And therefore, when he was unreasonably disgusted, the public was too apt to conclude, that he was unjustly disgraced. He was an awkward speaker, but was not unhappy in writing; and his turn for extravagance, brought him under obligations, which a man of his spirit ought to have disdained. His character in life, however, notwithstanding the lowness of his fortune, was at this time very high, and his connections with the remains of the old Marlborough interest, were very strong. It was publicly known, that all the complaints so industriously spread, about the election of the Scotch peers, were levelled equally against the minister and the earl of Ilay, who was looked upon to be the chief director of Scotch affairs.

"The earl of Ilay was, by birth, an Englishman, and resided in England till he was about seventeen years of age. It is hard to say, whether his application to business, or his abilities for it, were superior. When young, he studied as hard as if he had been (which indeed was partly the case) to get his livelihood by his learning, and made a progress in the civil law, superior to that of many of its professors. Though it is natural to believe that he was born with an aversion to the house of Stuart, by whom he had lost his great grand-

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fix upon any day, but he would propose that day month, and that their lordships might order those persons, by whom the Petitioners thought they could prove their allegations, to attend against that day: in this motion he was seconded by the duke of Marlborough. In support of the question it was argued by the two noble dukes who made and seconded the motion, in substance as follows; viz.

My Lords, I take it to be a constant and a certain maxim of this House, never to reject the Petition of any subject, or of any number of subjects, unless upon the very face of the petition there appears to be something very frivolous or impertinent; and upon all the petitions I have observed presented to this House, there has always been a day assigned, either for an answer, or for the Petitioner to prove his allegations, according to the nature of the Petition. If it be a Petition against any particular person or persons, such as Petitions of appeal, there is then a day appointed for the defendants or respondents to answer; and a summons is directed of course to be served upon them for that end: if the Petition be to set forth any particular grievances or inconveniences the Petitioner labours under, and from which he desires the aid of this House, to be relieved, such as Petitions for private Bills; the Petitioner has, in such cases, a day to prove the allegations of his Petition, and for that end he has of course the aid of this House for summoning those persons to attend, by whom he thinks he can prove what he has in his Petition set forth: if it be a Petition complaining of public grievances, in order to obtain a public law for the redress of those grievances, the Petitioner, or Petitioners have then a day assigned, for proving their allegation, and they have of course the summons, or order of this House, commanding those persons to attend, by whom they think they may prove the facts or the grievances complained of.

Of this last sort I take the Petition to be, which I have now had the honour to present to your lordships; and never was there, I believe, a Petition presented to this House of greater consequence as to the subject matter complained of, or as to the quality of the Petitioners. The complaint, my Lords, is of the highest nature imaginable: it is a complaint that nearly concerns both the honour and the dignity, nay, I may say, the very being of this House; because, if there be good ground for the complaint, the constitution of this kingdom cannot subsist, the liberties of our country cannot long endure, if the grievances complained of be not fully and speedily redressed. Then as to the Petitioners, let us consider, my Lords, who they are; they are men of as high rank as any subjects in the kingdom; they are noblemen of equal quality with ourselves in every respect, except as to seats in this House; and that they have perhaps been

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father and grandfather, yet so far from manifesting that aversion, either unjustly or indecently, all the use he made of his power in that respect, was to gain over to the government, as many of the deluded followers of that house, as he possibly could; and to his wise moderation it was owing, that in Scotland, few, besides men of desperate fortunes, were then avowed jacobites. He united, if ever man did, the characters of a philosopher and a politician. For, notwithstanding the torrents of unsupported personal abuse, poured forth against him in public, he never was known to revenge his own quarrel, or to desist from his own plan. The pursuit of power in him never diverted him from that of knowledge; of which he had a greater variety, than, perhaps, any man of his age. He despised money, even to a fault, and the larger his estate was, the smaller was his income, for he expended it before it came to his hands, in the encouragement and quickening of national industry and the promoting public improvements. Nothing more shall be here said of this great man and nothing has been said, that his greatest enemies have not, at times, confessed.

"Feb. 13th, the duke of Bedford presented to the house of peers the following Petition, (See p. 720). It must be acknowledged, it was of a very extraordinary nature; for it had a tendency to vacate the seats of all the sixteen peers of Scotland. Therefore, as the duke of Newcastle very properly observed, it was extremely doubtful, whether the House had even a power of receiving such a petition. Nothing in the Articles of the Union gave a British House of Lords a right to interfere in the election of the Scotch peers; nor indeed had they any such right, unless some particular charge was stated, and offered to be proved. The allegations of the petition were general, no person being named; and it was very doubtful, if the prayer of the petition was granted, where it might end; or whether the peers had a right to controul the crown in the exercise of its favour to any of their brother peers, which was all that possibly could be proved, had the prayer of the petition been granted.

"On the other hand, the facts, contained in the allegations, were of a very bad complexion; and no lord pretended to say, that they ought not to be punished, if they were proved." Tindal.

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deprived of, by the evil practices of which they complain: but this they do not insist on; they do not come here to complain of any particular injury done to themselves; it is their regard for the public weal, their regard for the honour of this House, that has prevailed on them to become Petitioners to your lordships.

I shall not pretend, my Lords, to say, that the facts complained of are true; that your lordships are to determine, after a full and a strict enquiry; but I am sure there is nothing frivolous or impertinent appears upon the face of the Petition; and if we may judge from the characters, as well as quality of the Petitioners; if we may judge from common fame and public report; nay, if we may judge from some occurrences, not a great many years ago, there is reason to believe their complaint is but too well grounded. All the Petitioners we know; some of them have had the honour to sit in this House; and while they sat here, their behaviour was such, that I am persuaded none of your lordships will think, that they would allow themselves to be imposed on by ridiculous reports, or slight surmises. I cannot therefore, in the least, suspect, that the Petition I have had the honour to present will be rejected; and for this reason, I think, the only proper motion I can make, is, to appoint a day, &c. (as above-mentioned.)

Lord *Onslow*. My Lords, though it has always been the practice of this House, to receive Petitions from any subject, which did not in themselves appear frivolous or impertinent; yet the Petition now presented to us is, in my opinion, of such an extraordinary nature, that it deserves the most mature deliberation: it is a petition by which several lords, who are members of this House, are charged with illegal practices; and as such a charge must throw a very great scandal upon them, I therefore think your lordships ought well to consider before you resolve to give it so much countenance, as to appoint a day for taking it into consideration. Upon this

The *Lord Chancellor* rose up, and acquainted the House, That the Petition did not charge any lord in that House with undue or illegal practices: It contained only a general charge, that some such practices had been made use of, at the last election of sixteen peers for Scotland, but did not say by whom.

The Earl of *Cholmondeley*. Though the Petition now before us, does not charge any lord in particular with any undue practices; yet it be must granted, that, in its consequences, it will affect a good many lords of this House; for it expressly charges, that no less than sixteen lords of this House were chosen by such practices, and have thereby got seats in this House; so that by the consequences of this Petition, every one of those sixteen may come to lose the seats they have now the honour to have in this House: for this reason therefore, my Lords, as well as on account of its being a Petition of a very new and a very extraordinary nature, I think your lordships ought to take some time to consider of it, before you order any person to attend, on account of the matter contained in the Petition.

The Duke of *Newcastle*. My Lords, the Petition now presented to us, is so new in its kind, that I really do not know whether we ought to receive it; nay, I do not know if we have a power to receive it. There was, indeed, since the union, one Petition presented to this House, complaining of an undue election and return of one of the sixteen peers for Scotland; and this House did accordingly proceed upon the Petition, and did determine the right of election: but in the Petition now before us, there is no direct complaint, either against the election or the return of all or any one of the sixteen Peers last chosen for Scotland; and therefore I cannot, at present, pretend to give my opinion, how we can proceed upon it. As I have not the journal now before me, which contains the proceedings of this House, upon the last Petition from Scotland, I cannot tell what method was then observed; but if I had, I doubt much if it could be of any use, because of this Petition's being very widely different from the former: therefore, my Lords, I must think, that the most prudent method for us to take, is, to appoint a short day, as short as you will, to consider of what is proper to be done, before you appoint a day, either for entering into the merits of the Petition, or for examining any witnesses, in relation to the facts therein complained of. For this reason, I shall move your lordships to resolve, to take this Petition into consideration on this day se'nnnight.

To this it was answered by the Earl of Chesterfield, and after him the lord Bathurst, That as to the Petition's being, in its nature, something new and extraordinary, it was not at all to be wondered at,

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because the facts complained of, were such as could be committed only since the union of the two kingdoms. Whether any such practices had been used since that time, and before the present, they would not take upon them to determine; but if ever any such had been used, no man had before had public spirit enough to complain of them; and therefore they were the more obliged to the noble Peers who had now given themselves that trouble: That to them it seemed very extraordinary to question, whether that House had a power to examine into any grievances that could be complained of by any subject: but it appeared still more extraordinary to make such a question, when the complaint was made by some of their own number, and in relation to an affair, in which the honour and dignity of that House was chiefly and primarily concerned: that for this reason it was not to be doubted, but that they had not only a power, but that it was their duty, to enquire into the matters complained of, and to sift them to the bottom; and they hoped, no regards nor pretences would prevent their doing so. However, they would, in general, agree with the noble duke, as to the first appointing a short day; for they did not doubt but that the more the affair was considered, the more every lord in that House would think himself bound, both in honour and duty, to enquire into it. But they thought the resolution ought to be put in words, different from what the noble duke had been pleased to propose: and therefore they thought the motion ought to be, That they would, upon that day se'nnight, take into consideration, the methods how to proceed upon the Petition then presented to them.

The *Lord Chancellor*. As to the power or duty of this House, in relation to the Petition now before us, I cannot really, upon so short a deliberation, freely declare my opinion; and as there are some other lords, who seem to be in great doubt about this question, I must think the motion made by the noble duke near me, the most proper, because of its being the most general; and as does not determine the question one way or other, I cannot but think it quite unnecessary to make any dispute about it, therefore I hope your lordships will agree to it.

Upon this the question proposed by the duke of Newcastle was agreed to without any division; and it was accordingly resolved, That that House would, upon that day se'nnight, take the Petition into their consideration: After which it was ordered, That the lords should be summoned to attend upon that day.

February 20. The order of the day being read, the duke of Buccleugh and, after him the duke of Athol stood up, and took notice, that the Petition they were then to take into their consideration, was conceived in such general and indefinite terms, that they could not from the words of the Petition, determine, whether or no the petitioners designed to controvert, or to object against the last election of the sixteen peers to represent the Peerage of Scotland in that House; and as their right to their seats in that House, depended upon the regularity of that election, they hoped their lordships would take care to have that point cleared up, before they proceeded any farther upon that Petition, or at least, before they proceeded to the examination of any witnesses.

This brought on a motion, "That the consideration of the Petition be adjourned to a short day, and that the petitioners be ordered to declare against that day, whether they intended to controvert the last election of all the sixteen peers to represent the Peerage of Scotland in that House, or the election of any, and which of them."

In support of the motion it was argued thus:

My Lords, the Petition now before us is, in my opinion, conceived in such vague and general terms, that it is impossible to determine, whether the late election, with respect to all or any of the sixteen peers last returned, is to be attacked or not; and as it is impossible to determine whether any, and what persons are to be accused, by the complaint exhibited to us in this Petition; so I cannot determine, and I believe no lord in this House can, whether we are to proceed upon this affair, in our legislative or in our judicial capacity. If any undue or illegal practices were made use of, in procuring the election or return of all or any of the sixteen lords from Scotland, now in this House, surely that election or return must be void, and the peers of Scotland must proceed to a new election. In this case, your lordships are certainly to proceed in your judicial capacity; and as the right of private persons is to be brought into question, as the right of no less than sixteen lords, to their seats in this House, is to be examined into, and

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determined; the affair now before us is then to be considered as a cause, and I hope your lordships will proceed in it with the same justness and impartiality, and with the same regularity, which you observe in all other causes. The sixteen noble lords now in this House, must then be considered as the defendants or respondents; and I hope your lordships will never proceed in any cause, to examine witnesses for the petitioner only; if we are to examine any witnesses against the noble lords now in this House, I hope you will give them proper notice, and examine likewise such witnesses, as they may think proper for their justification.

Though I cannot, my Lords, from the words of the Petition, determine, whether any particular persons are to be accused, yetfrom the nature of the case, I must think, that it necessarily ends in an accusation against particular persons; for if there have been illegal practices, there must have been illegal practisers, and those practisers must have been guilty of a very high misdemeanor. In this case likewise, your lordships are to proceed in your judicial capacity; and in that way, I hope you will never proceed to examine witnesses against any man, without having first called the party before you, without having given him notice of the crimes laid to his charge, or without giving him an opportunity, both to cross examine the witnesses that are brought against him, and to bring what witnesses he may think proper for his vindication; so that I do not see, how you can proceed in the affair now before you, till the petitioners declare, whether or no they intend to challenge or impeach the election of all or any, and whom, of the sixteen peers last chosen, and have particularly named the persons who were guilty of the undue and illegal practices of which they complain.

If any suitor, in any of the courts below, should petition this House, and complain in general of undue methods and illegal practices made use of in any court below, without naming any person, who had been guilty of those undue methods or illegal practices; I believe your lordships would not so much as receive or give any countenance to such a petition; but in the present case, your lordships have received the Petition, and, in my opinion, you are in the right, not only to receive it, but to take all proper methods, to get at the bottom of the complaint, both because of the dignity of the petitioners, and because the matters complained of, may affect the honour and dignity of this House; yet still, my Lords, I hope you will proceed in it in such a manner, as not to do injustice to any private man, and so as not to load the innocent with even the imputation of a heavy crime.

In all cases of evidence, the witnesses must be examined as to particular facts, and likewise as to particular persons; and those persons, as well as facts, the judges must be fully informed of, before any witnesses are brought before them to be examined. I believe, my Lords, it was never yet known, that any court of judicature proceeded to examine witnesses, without having first the particular facts laid before them, which were to be proved by the witnesses, and likewise the persons names, against whom the witnesses were to prove those facts. This is a rule which must be observed, in all courts of judicature, otherwise they can never know what they are about; and therefore, if your lordships are to proceed upon this affair in your judicial capacity, which I think you must, you cannot regularly proceed to examine any witnesses, till you know the particular facts those witnesses are brought to prove, and the names of the particular persons against whom those facts are to be proved, without which I cannot comprehend, what use you are to make of the proofs, that are to be laid before you, or for what end you are to put a great many gentlemen, and for what I know, noblemen also, to the expence and trouble of coming a great many miles to be examined as witnesses at the bar of this House.

I am, my lords, as much as any lord in this House, for making a most strict enquiry into the matters complained of by the petition now before us; and, for this reason, I am for our taking such previous steps, as may enable us to proceed with certainty, ease, and satisfaction to ourselves, without doing an injury to any innocent man; for if we proceed to examine witnesses before we have fixed upon the particular matters, as to which those witnesses are to be examined, I foresee that we must involve ourselves in difficulties, which we shall find altogether inextricable; and as the right of the sixteen noble lords who now sit in this House, as the representatives of the peerage of Scotland, is the chief thing to be considered, I think the petitioners ought first to declare whether or no they intend, by their

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petition, to challenge or impeach that right.

To this it was answered, in substance as follows, viz.

My lords, the petition now before us is general, and it ought to be so: it is not a petition relating to any private right; it is not a petition complaining of any private injury; it is only in the nature of a general complaint against some illegal practices, supposed to have been made use of at the last election of the sixteen peers of Scotland, which the petitioners think of the utmost consequence to the honour and dignity of this House, and to the freedom and independency of Parliament; these practices, the petitioners have got some imperfect accounts of, and by the accounts they have got of them, they seem to be of such a heinous nature, and attended with such dangerous consequences, that they, as peers of Great Britain, as subjects of a legal, and as yet free government, thought themselves obliged to inform this House of what they had heard, and of the witnesses by whom they think those deep and dark practices may be made appear; well knowing, that if there were really any such practices, the power and the authority of this House, if exercised as it ought to be, and, I hope, as it will be upon this occasion, may make up the deficiencies of the informations they have had. As the practices they complain of, are of the most heinous nature, they must certainly have been carried on in the most hidden manner; and therefore, it cannot be supposed, that the petitioners, or that any man in a private capacity, can have such a full information of them, as to charge the facts, or accuse the persons particularly; but upon the examination at the bar of your lordships House, of such witnesses as they shall desire to be examined, the iniquitous mysteries may probably come to be revealed; both the facts and the persons may be particularly brought to light; and then I doubt not, but your lordships will take such methods as the law directs, in order to punish the guilty, to vindicate the honour and the dignity of this House, and to preserve the freedom and independency of Parliament. This is what the petitioners sue for, this is what the nation expects, and I think the petitioners have taken the most proper way, the only way they could take, to lay this important affair before your lordships.

I am surprized, my lords, to hear it said, that the affair now before us can, in any light, be looked on as a cause, or that it ought to be treated as such. Do the petitioners come here to complain of any violation of their own particular rights? Do they complain of any injury offered to them, or either of them in particular? No, my lords, their complaint proceeds from a more generous motive; their complaint is against a general grievance; and therefore, if the affair now before us is to be looked on as a cause, it must be looked on as the cause of our country and constitution: if any injury has been done, it is to the constitution that injury has been done, and it is to the constitution, that redress must be granted; but whether that redress must be granted, by punishing those that shall be found to be guilty, or by making a new law to prevent such practices in time to come, or by both, is what cannot now be determined.

I shall readily agree, my lords, that if there were any illegal practices, there must have been illegal practisers; but till you come to examine witnesses, you can discover neither; and even after you have examined all the witnesses you can, after having made as strict an enquiry as possible, the practices may have been carried on in such a hidden and such a subtil manner, that even your lordships may not be able to fix them upon any particular person, though at the same time, it may appear evident, that some illegal practices have been made use of: in such a case, what are your lordships to do? Surely you are not to leave the honour of this House, and the very being of our constitution, exposed to the same illegal practices at the next election? You are not to neglect to repair a breach made in your house, because you cannot discover the thieves that made it. You are certainly, in such a case, to contrive and pass some proper law for preventing such practices for the future. But on the other hand, if the practisers, as well as the practices, should luckily be discovered by the enquiry your lordships are to make, you will then certainly order a prosecution to be carried on against the persons found or suspected to be guilty; those persons will then become defendants, not to this petition, but to the prosecution that shall then be ordered against them; and upon that prosecution they must of course have an opportunity to bring witnesses in their own justification, and to cross examine such witnesses as shall be brought against them.

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As to the right of the sixteen noble lords, who have now the honour to have seats in this House, I hope it will not be impeached by any proof that can be brought on this occasion, and therefore I wonder that any of them should shew the least jealousy or apprehension of any such event; but suppose, my lords, that, in examining the witnesses that are to be brought before you, some things should appear that might tend towards invalidating the last election, and consequently, their present right to their seats in this House; surely, your lordships will not, upon such an examination, immediately proceed to declare the late election void. You must then of course appoint a day to examine into the merits of the late election, and then, and not till then, the noble lords who are now in this House by virtue of that election, will become defendants, not to this petition, but to the enquiry that shall then be ordered into the merits of their election; and upon that occasion your lordships will certainly proceed with your usual justice, and consequently will give them all the time and opportunity they can desire for defending their right, either by employing counsel to plead for them, by bringing such witnesses as they may think proper for supporting their election, or by cross-examining all or any of the witnesses that shall be brought against them; for the witnesses who are examined upon this petition, must be all re-examined, when your lordships come to enquire into the merits of the late election, if it shall become necessary, which I hope it will not, for this House to make any such enquiry.

I cannot pretend, my Lords, to any great knowledge in the law, and much less to a thorough knowledge of the forms of Westminster-hall; but I must say, and I am sorry to say, that I think your lordships are, upon this important occasion, falling too much into the forms of the courts below. It is well known, that a great part of their time is taken up in debating and arguing about the forms and methods of proceeding, by which the principal affair in dispute is often delayed, and not seldom entirely dropt; and the debate we are now on, I must consider as a debate of the same nature. This is not your lordships usual way of proceeding; and when an affair is brought before you, which directly and immediately concerns the honour and dignity of this House, I am surprised to hear any debate about the methods how we shall proceed to enquire into it; and I am still more surprised to hear it said, that we must never examine any witnesses, unless we first know the particular facts to which they are to be examined: This would be, indeed, tying us down to forms in the strictest manner; nay, in a more strict manner, in my opinion, than any court of common law; for I think I have heard of a form or method of proceeding in those courts, which they call 'pleading the general issue,' and 'giving the special matter in evidence;' in which case, if I am rightly informed, none of the particular facts, to which the witnesses are to be examined, are laid before the court, nor does the court know any thing of the questions that are to be put to them, till they come to be examined, and then only the court is to judge, whether the question that is put, has any relation to the general issue then before the court: but as the affair now before us is no trial, as this House was never supposed to be confined to the rules or the forms of inferior courts, and as I am very little conversant in such forms, I shall say no more upon this subject.

But, my Lords, though I am very little acquainted with the forms, or the manner of proceeding in the courts below, yet I hope I know something of the methods of proceeding, as well as of the power and authority of this House; and therefore I am not a little surprised at the motion made to us; for I cannot comprehend the end for which it is designed, or the purpose it can serve. That the petitioners should declare, whether or no they intend to challenge or impeach the election of all or any, and which of the sixteen peers last chosen: for God's sake, my lords, what will this declaration, when made, signify? Is this House to be confined, or any way restrained by any declaration the petitioners can make? suppose they should declare, that they do not intend to challenge or impeach the election of all or any of the sixteen peers last chosen: are we, when we come to examine witnesses upon this petition, to be told, you must not ask such a question, or such a question, because by the answer to that question, the election of the sixteen peers last chosen, or of some of them, may be brought into dispute, or impeached? Surely, it is not intended that we should be in this manner confined, by any declaration the petitioners can make; and if we do examine witnesses upon this petition, with a full liberty to ask all such questions as may tend to-

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wards discovering any illegal practices that may have been made use of; suppose upon that examination, such facts, such practices should appear, as must evidently tend towards rendering the late election void, is this House to be circumscribed by any declaration the petitioners can make, so as that it shall not be in our power to proceed in a regular way to declare that election void? I hope, my lords, no such thing will be pretended; and therefore, as such a declaration, when obtained, can signify nothing, I hope an affair of so much consequence to the honour and dignity of this House, and to the freedom and independency of parliament, will not be delayed upon that account.

To this it was said, by way of Reply,

That they would readily grant, that that House was not to be circumscribed, or any way interrupted or confined by any declaration the petitioners could make; but as such a declaration could do no harm, or any way retard the enquiry their lordships were to make, and as it would be a satisfaction to the sixteen noble lords then in that House from Scotland, and had been expressly desired by some of them, they hoped the House would agree to the motion, especially as it could not occasion any great delay, because the petitioners could in a very short time, or perhaps, immediately, make such a declaration as was desired; and therefore they would move, that the farther consideration of the petition should be adjourned but till next day, and that the petitioners should against that time declare, whether or no they intended by their petition to controvert the election of all or any, and which of the sixteen peers last chosen to represent the peerage of Scotland in that House.

Any farther Reply in this affair was prevented, by the Duke of Bedford's standing up and acquainting the House, That, since the beginning of that debate, he had been with the Petitioners, and that they had empowered him to make the Declaration proposed; and that, for his greater security, he had taken it down from the Petitioners in writing, which, if their lordships pleased, he would read to them; so that there was no occasion to adjourn the consideration of the affair one moment on that account.

This occasioned a new debate, in which the lord Bathurst, the earl of Chesterfield, and the earl of Abingdon insisted, 'That the declaration, as proposed by the noble duke was sufficient; and that the order proposed might be entered in their Journals; after which it might be entered, that in pursuance of the said order, the duke of Bedford stood up, and, by virtue of a power from the Petitioners, and in their names, made the following Declaration; and then enter the Declaration proposed to be made by the noble duke; this, they said, they thought the House could not well refuse, because the refusal would really look something like doubting the honour of the noble duke, for whom, they were persuaded, every lord there had the greatest esteem; it would look like doubting, whether he had a sufficient authority to make such a declaration, after he had declared he had authority for so doing.

This was opposed by the lord Hardwick, and the duke of Newcastle, who professed the greatest esteem for the noble duke, but they did not think it would be regular to receive a Declaration in that manner in an affair of so very great importance; and at last the Lord Chancellor declared, That he did not in the least doubt the honour of the noble duke, nor his having a sufficient authority for what he proposed, yet as the affair had been brought before them by a petition signed by the six noble Peers he thought the most proper and the most regular way would be, to have the Declaration proposed signed by them likewise; and as it would occasion a delay but of one day only, he hoped the House would agree to it."

Upon this the question was put for adjourning the consideration of the Petition till next day, which, upon a division, was carried in the affirmative, without proxies, by 90 to 51. The question was next put upon the motion above mentioned, which was agreed to without a division.

After this, it was proposed to adjourn, but

The Earl of *Abingdon* stood up and said, That as their lordships had already gone a little into the forms of Westminster-hall, he hoped they would go a little farther: they had made an Order, and, he believed they intended the petitioners should comply with that order; therefore he thought they ought to take some method to give the petitioners notice of the order they had made.

The Earl of *Cholmondeley* said, That he thought there was no necessity for any such notice, because the orders of that House, like acts of parliament, stood in

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no need of any notification or publication; they published themselves, and the parties concerned were obliged to take notice of them. But

The Lord *Bathurst* shewed, That no such thing was to be presumed, as appeared by their constant practice in all causes; and as some lords seemed to be fond of looking upon the affair then before them as a cause, therefore he would move, That the lord chancellor should be directed to write letters to the petitioners, giving them notice of the order their lordships had made.

The *Lord Chancellor* said, That he should be ready to follow their lordships directions, but desired to know, if he should write one letter to the petitioners jointly, or a particular letter to each of them separately; and some lords having proposed one letter to the petitioners jointly,

The Earl of *Abingdon* stood up, und said, That he did not, before that time know, that the petitioners were a corporation, which their lordships seemed inclined to make them, by proposing to send a letter to them jointly; whereupon it was agreed, that a separate letter should be sent to each; and directions were given to the lord chancellor accordingly.

The motion for the Declaration abovementioned, was made by the lord Hardwicke and supported by the earl of Cholmondeley, and the lord Hervey; and it was opposed by the duke of Bedford, the earl of Strafford, and the earl of Abingdon.

Feb. 21. The order of the House being read, for taking this Petition into consideration, the Lord Chancellor acquainted the House, That two of the noble lords, the petitioners, had been with him, and had brought him a Declaration in writing, signed by every one of them, in obedience to their lordships order the day before, which declaration was read to the House, and was as follows, viz.

'In consequence of your lordships' Order 'of yesterday, signified to us by the right 'honourable the Lord High Chancellor, 'We your lordships' petitioners do declare, 'that by our Petition, we did not, nor do 'intend to controvert the Election or re'turn of the sixteen peers for Scotland, 'mentioned in our said Petition, or any of 'them: but we intended, as we thought it 'our duty, to lay before your lordships 'the evidence of such facts and undue me'thods, mentioned in general in our said 'Petition, as appeared to us to be danger'ous to the constitution, and may in future 'elections equally affect the right of the 'present sixteen peers, as that of the other 'peers of Scotland, if a proper remedy be 'not found out: as we had before impower'ed his grace the duke of Bedford to in'form your lordships.——(*Signed*), Ha'milton and Brandon, Queensberry 'and Dover, Montrose, Dundonald, 'Marchmont, Stair.'

After the reading of this Declaration, a motion was made, "To adjourn the farther consideration of the Petition till that day seven-night, and that the Petitioners might be ordered to lay before the House, against that day, in writing, instances of those undue methods and illegal practices upon which they intended to proceed, and the names of the persons they suspected to be guilty of such undue methods and illegal practices."

The Argument in favour of this motion was in substance thus:

My Lords, when I first heard this Petition read, I was of opinion with other lords, that it was conceived in such general and indefinite terms, that it was impossible for this House to proceed upon it, without involving ourselves in difficulties which we should find insuperable; but now, that I have heard this declaration read, I am farther at a loss than ever, to know what is meant or intended by the Petition. When I first heard it read, I did, indeed, imagine that the noble lords the Petitioners, did intend to impeach the last election of the sixteen Peers, chosen to represent the Peerage of Scotland in this House; and as the right of those lords was to be impeached, I thought it was reasonable, that the design and intention of the Petitioners should be expressed in clear and distinct terms, therefore I was for their making such a declaration as was then ordered: but by their declaration, now read to us, I find they have no such design or intention; so that I really cannot now comprehend, or so much as guess at what they would have us to do upon the Petition they have presented, unless their design be to impeach or accuse some particular persons of crimes, which I take to be of a very high nature; and if that be their intention, surely the persons names they design to impeach, ought to be particularly expressed, and those persons ought to be inform-

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ed of the particular crimes which are laid to their charge.

An accusation is not, it is true, a condemnation; but, my Lords, it must be granted, that a man's character suffers even by an accusation; and though he may be afterwards, upon a full and impartial trial, acquitted, yet it seldom happens, that the scandal thrown upon his name by the accusation, is entirely wiped off by his being acquitted; and in the mean time, during the whole time that intervenes between his accusation and his trial, he labours under an imputation, which your lordships must allow to be a very great misfortune. It is certain, my Lords, that every man ought to have a very great regard to his honour and his character in the world; it is what the meanest creature in life ought to be extremely jealous of, and much more those, who, by their birth and their fortune, are placed in a superior station; and therefore I hope your lordships will always be cautious of going in rashly to any measure, by which the characters of private men may be very much injured. In the present case, I think, it is evident, that the characters of some private men must be attacked, by any proof that can be laid before you in relation to this affair: the characters of some men must suffer, and those not of mean rank in the world; they must be persons in eminent stations: therefore I hope your lordships will not, upon general suggestions, and without any determinate aim or design, proceed to examine witnesses in a case, where the characters of particular men, the characters of men eminent in their stations, will certainly be greatly injured.

It is a maxim, my Lords, established by the reason of things, as well as by the practice, I believe, of all the judicatures in the world, never to examine any witness, when by such examination a private man's character may be blasted, without giving that man an opportunity, at the same time, to vindicate his character against any aspersion that may be thrown upon it by that examination: in such a case it is not sufficient to say, that the man whose character has been blasted, shall afterwards have an opportunity to vindicate it, by being brought to a fair and impartial trial; for, in the mean time, he must labour under an imputation, and it is a misfortune for a man to be exposed to any scandalous imputation for a day, nay, for a moment: there may, perhaps, be a real, an honest intention, to afford him a speedy opportunity for his justification; but that intention may be disappointed, he may die in the mean time, and then his memory will be loaded with that imputation for ever: some of the witnesses, by whom he might have cleared up his character, may die in the mean time, or may depart out of the kingdom; many other accidents may happen, which may put it entirely out of his power to vindicate himself, though he be altogether innocent of what has been laid to his charge; and therefore it is absolutely necessary to give a man an opportunity of vindicating himself, at the same time and in the same manner he is accused.

Another maxim, my Lords, as reasonable, and as uniformly observed, is, that no witnesses are ever to be examined against any man, without giving him an opportunity to be present, to cross-examine the witnesses, and to take care that no leading questions may be put to them; for when witnesses are examined, *ex parte*, they may vent their spleen, or satiate their revenge against private men, by swearing falsly against them, with much more ease than when examined in presence of the party accused, and cross-questioned upon every fact and every circumstance they relate; a fact may appear criminal by their general and confused way of relating it, which would have appeared quite otherwise if the party had been present, in order to put the proper questions for making them explain themselves; and by artful leading questions, they may be induced to affirm things as consisting with their knowledge, which they would never have affirmed or perhaps mentioned, if the party accused had been present, to prevent any such leading questions being put to them; and in this last case the danger and the inconvenience is the greater, that when a man is induced to affirm any thing for truth upon oath, even though it be, perhaps, by way of information or preparation for a trial, yet when the trial comes on, and that man is again examined, as a witness against the prisoner or party accused, he thinks himself in honour obliged to stand by and confirm what he has before been induced to declare upon oath, and against that time will very probably be so well prepared, that it will be impossible to discover his perjury by any cross question: thus, my Lords, it must appear to be extremely dangerous to examine witnesses in any case, where a man's character may be brought in question, without having him present at such examination; but to exa-

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mine witnesses without knowing what, or against whom you are to examine them, especially in a case where the characters of men of the highest stations may very probably be attacked, is, in my opinion, a method of proceeding not only dangerous, but altogether unprecedented.

I shall not pretend, my Lords, to be a great master of precedents; but I do not remember to have heard that there was ever such a general accusation brought into this House as the present. Even in impeachments, in acts of attainder, and all the parliamentary proceedings I have ever heard of, some particular facts are always charged, and those facts are likewise charged against particular persons. I do not know that there was ever any complaint made to this House, of illegal practices in general, without mentioning so much as one particular fact, or one particular person: But that we must find out the particular facts, as well as the particular persons guilty of those facts; and that we must, for that purpose, enter into a long examination of witnesses, and put people to the trouble and the expence of coming, perhaps, from the remotest parts of his Majesty's Dominions, to be examined about we know not what, and against we know not whom; this ought not, I think, to be done. I shall always be ready to agree, to hear the complaints of any subject, when made in any proper way, and much more the complaint of the Petitioners, for all of whom I have so great an esteem: But let them point out to us, some way or another, of what and against whom they complain; let us but know what they complain of, and the persons they suppose to have been guilty of those facts; and I shall be most ready and willing to enter into any method for giving them redress.

There might, my Lords, be some excuse for the generality and indefiniteness of the complaint now before us, if it could be said, that it was not possible for the Petitioners to be more particular; but from the very Petition they have presented, the contrary appears; for though they complain of illegal practices in general, yet they afterwards say, they are ready to lay instances of these practices before us: It was therefore in their power to have mentioned those instances in the body of their Petition; and surely they may still, whenever they please, give us an account of them, and of the persons that were guilty; for if they know the particular facts, they must know the particular persons; and therefore they not only can, but may easily comply with the motion now made to us: It is what they may do, and certainly is what they ought to do, and what is absolutely necessary for this House to have done, before we can proceed to examine into the complaint now before us: Upon this occasion, and indeed upon every occasion, we ought to remember the motto of the great Hall of Justice below, 'Audi 'alteram partem.' Let us hear the defendants; let us hear those against whom the complaint is made: 'But how can we hear them, unless we know who they are?

In all causes, in all trials, and in all courts, the examination of witnesses is always the last thing that is done. The party complaining is heard in support of the charge, and then the court hears what the defendant has to say against it, or in his own justification, before they ever proceed to examine the witnesses of either side: And in all the courts I have ever heard of, except a court which is called an Ecclesiastical Court, but is one of the most unchristian courts that was ever set up in the world, I mean the Court of Inquisition, the witnesses are always examined in the presence of both parties; but if we should proceed to examine witnesses upon this Petition, as it now stands, and without any more particular information, we should be still worse than the inquisition; for it would be entering upon, and carrying on a trial, before we so much as knew, or had ever heard of the persons that were to be tried. As I am convinced, there is no lord in this House that desires ever to see a Court of Inquisition set up in this kingdom, and much less that this House should ever in any of its proceedings, imitate that tyrannical court, therefore I make no doubt of your lordships agreeing to the motion now before us.

To this it was answered in Substance as follows:

I must own, my Lords, I am very much surprised at the motion now made to your lordships, and I think I have much more reason to be at a loss to know the true design of this motion, than the noble duke who made it can have, for his being at a loss to know the true design of the Petition. The true design of the Petition, my Lords, is in itself clearly expressed, and the desire of the Petition is what this House not only may, but ought to comply with: But by this motion the Petitioners are desired, to do what evidently appears to

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be impossible for them to comply with: and I hope the noble duke does no way intend what may be inferred from such a demand. The Petitioners may probably have heard of some of those undue and illegal methods, that were practised at the last election of Peers in Scotland, but it is impossible they should know them all, or all that may be made appear by an examination of the proper witnesses at the bar of this House; and as to the principal persons concerned in those practices, against whom your lordships enquiry is, without doubt, to be chiefly directed, it is absolutely impossible the Petitioners should know any thing about them, at least not so much as to give them a sufficient ground to name them to this House.

To mention in any resolution of this House, or to talk of the Petitioners proceeding upon any instances, or against any Persons, is what is most irregular and most improper: It is, my Lords, to suppose, that the Petitioners are prosecutors; whereas it appears plainly, by their Petition, that, their only intention was to give your lordships notice, that some dangerous practices have lately been made use of, and to contribute as much as they could, to put you in a way of getting a full information, in relation to those practices. When you have got this information, it is not the Petitioners that are to proceed, it is this House that is to proceed against the persons who shall appear to have been guilty of such practices. The Petitioners only propose to lay some facts before your lordships, which they take to be of dangerous consequence to the honour of this House, and to the freedom of Parliament; and which, they think, ought to be prevented in time to come. Their Petition is therefore in the nature of a Petition against a general grievance, which they desire your lordships to enquire into, and to provide such remedy as you shall think necessary. In such a case, is it proper to talk of their proceeding upon any facts, or against any persons? Is it to be supposed that either they, or this House, can yet know, whether any persons are to be, or ought to be proceeded against?

Upon examination of the witnesses, whom the petitioners are to point out to you, it may appear evident, that some practices have been made use of, which ought to be prevented by some new law or regulation; and yet, my lords, that proof may be such, as not to lay a sufficient foundation for prosecuting any particular person: it cannot therefore be in their power to name the persons; but suppose it were, are we to put off an affair which concerns the honour of this House as much as it does the petitioners, because they have not named, and perhaps will not name the persons guilty? Suppose, my lords, we should get information, that several barrels of gun-powder had been placed under this House, in order to blow us up; would it not be very odd in us, to put off going to search for, or remove the gun-powder, till we shold be informed by what means, at what time, and by whom the powder was placed there? The Case before us is the very same; there is a sort of metaphorical gun-powder placed under this House, which will, in time, blow us up, if it be not removed; and in such a case are we to trifle away our time in enquiries after the names of the persons who placed it there, and the methods by which it was conveyed?

I shall readily grant, my lords, that a man's character suffers a little even by an accusation; but is not this the very reason why the laws of this kingdom do not allow any man to be accused, but upon the oath of some person or another? And is not this the strongest reason that can be given, is it not a most convincing reason, for our not complying with the motion made to us? Nay, does it not shew, that the petitioners would have acted contrary to the spirit, and to the whole tenour of the laws of this kingdom, if they had named any person? And shall we, by any resolution of this House, overturn that which has been the established maxim of our law for so many ages? It is true, the most innocent man must lie under an imputation, from the time of his being accused, to the time of his being tried: and if any person's name shall be mentioned upon the examination of witnesses, as having been guilty of some of the illegal practices complained of, he will certainly lie under an imputation, from that time to the time of his being brought to his trial: but does not the same inconvenience accrue from what is now demanded? If the petitioners should name any person as guilty, it will bring as great an imputation upon him, as if he had been named by a witness upon oath at your bar, and that imputation he must lie under, till he can be cleared by a fair and impartial trial: the imputation will be the same; and I am sure it will be much longer before a man can be brought to his trial, after being named by the petitioners,

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than after being named by witnesses examined upon a regular enquiry. Let the guilty persons then be who they will, let them be men in a high or a low station in life, it will be as inconvenient for them to have their names declared by the petitioners, as to have their names mentioned by witnesses, upon any enquiry your lordships are to make; and it is certainly much more consonant to our laws, not to have any man's name mentioned, till it is mentioned by a witness upon oath, when examined upon a regular enquiry into the facts complained of.

That it is a maxim established, either by the reason of things, or by the practice of any court of judicature in the world, never to examine witnesses, without giving the man, who is or may be accused by such examination, an opportunity, at the same time, to vindicate his character, or to cross-examine the witnesses, is what I cannot agree to: on the contrary, my lords, I take it to be a maxim established, both by the reason of things, and by the practice of every court of judicature in the world, that it is proper to enquire into facts by the examination of witnesses, in order to find out the persons that ought to be accused, or to learn how to proceed against those that are; and at such examinations, the parties who are or may be accused, are never allowed to be present, nor have they ever the least notice given them, that witnesses are to be examined, as to facts by which their characters may be blasted. That this is the practice in this kingdom, from the highest court of judicature to the lowest, is beyond contradiction. Does not this House, as well as the other, sometimes upon mere suggestions, nay upon common fame, enquire into crimes of the highest nature, and in which it may be supposed, that persons in the most elevated stations have been concerned? Have not committees often been named for such purposes? And do not these committees always examine witnesses, without giving an opportunity to the persons, who are, or may be accused, to vindicate their characters at the same time, or to cross-examine those witnesses, by whom not only their characters may be blasted, but their lives and fortunes brought into danger? And with respect to inferior courts, is it not the constant and well-known practice, to examine witnesses before grand juries, in order to the finding of Bills of Indictment, without allowing the party accused to be present, or giving him any notice, that witnesses are to be examined against him. Nay, even justices of peace, do not they always examine witnesses upon oath, before they grant any warrant? And is the party against whom the warrant is to be granted, ever present at such examination, or has he any notice, that witnesses are to be examined against him? It is therefore certain, that in this nation it has been, and still is, the general and constant practice to inquire into crimes of all kinds, by the examination of witnesses, without giving any notice to the party that is or may be accused, or giving him any opportunity at that time, either to vindicate his character, or to cross-examine the witnesses; and that this practice is not attended with any inconvenience, I need not endeavour to prove by arguments; for, the long continuance of it, is a better argument than any other that can be brought.

How this petition, my Lords, can be considered as an accusation, I cannot imagine; and if it were, I can as little imagine, how it can be looked on as the most general accusation that was ever brought into this House. I shall not call it an accusation, I must call it a representation of a grievance, which, I think, ought to be remedied; and that grievance is very particularly set forth, both as to the nature of it; and as to the time of its happening; nay, the petitioners go farther; they say they are ready to lay particular instances before us, in that way, which I take to be the only proper way of laying facts before any court of judicature, that is, by the depositions of witnesses. I am surprised to hear it said, that in impeachments, in acts of attainder, and in all parliamentary proceedings, particular facts are always charged, and those facts charged against particular persons: your lordships must all know, that impeachments and acts of attainder are generally grounded upon an enquiry made by this or the other House of Parliament: it is true, when the affair comes the length of an actual impeachment, or a bill of attainder, particular facts are then charged, and those facts are charged upon particular persons; but most of those enquiries, which have been the first steps towards an impeachment, or Bill of Attainder, have proceeded upon general surmises, some of them upon common fame only, and some of them upon a motion unsupported by any charge, either general or particular.

In the other House, my lords, it is very well known, that upon the most general

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suggestions of any crime or misdemeanor, a committee is always named to enquire into the affair complained of, and that committee is always impowered to send for persons, papers and records; witnesses are examined, and the whole proofs that can be collected, either from persons, papers or records, are taken by that committee, before any particular fact has ever been mentioned, or any particular person named to the House: neither the House, nor any person breathing, besides those of the committee, hears a word of the particular facts, or the name of any particular person mentioned, till that committee comes to make their report. This is directly the case of the petition now before us: It is far from being too general for the foundation of an enquiry; on the contrary, we are in honour, in duty to our country, obliged to take it as such, and that enquiry may be the foundation of an impeachment; but this is what neither this House nor the petitioners can as yet tell. Though the petitioners have not at present the honour to be members of this House, yet in every other respect, they are all peers of Great Britain as much as any of us: if it had not been so, if they had not been peers of Great Britain, the proper place for them to have applied to, would have been to the other House, and it is certain the other House would have immediately appointed a committee to have received the instances and proofs, now offered to be laid before your lordships; there would not, there, I believe, have been such regard shewn to the characters of those who might suffer by those proofs: and shall the petitioners, my lords, be the worse for being peers of Great Britain? I hope not; but if this motion prevails, I am sure it may with justice be said, they have the misfortune to be peers of Great Britain.

That there have been many parliamentary enquiries without any particular charge, and without any particular person's being named, is beyond dispute; but even in our inferior courts, do not we know, my lords, that grand juries often present nusances in general terms, and without mentioning any particular fact, or any particular person? and do not these courts often proceed, to enquire into the nusance so presented, in order to find out and punish the persons that have been guilty of it: and in any court of law, if a petition should be presented by any number of suitors, men of character, whose judgment and veracity the court could depend on, complaining in general of abuses committed in any branch of practice, and desiring that the court would examine into, and endeavour to prevent such abuses for the future, either by punishing the persons who might appear to be guilty, or by making some new regulation; if that court should reject such a petition, and neglect or refuse to make any enquiry into the branch of practice complained of, I should conclude that the judges were more intent upon screening their officers, than upon doing justice to the subject: nay, I should readily believe, that even the judges themselves were partakers in the frauds and extortions committed by their officers.

The reverend prelate who was pleased to mention the Court of Inquisition, has a mind, it seems, to soften as much as he can the methods of proceeding in that terrible tribunal, when he compares them to the method proposed to be followed upon the petition now before us: the method now proposed is, first to enquire into those illegal practices suspected to have been made use of; and if, upon that enquiry, it should appear, that any particular persons have been guilty of practices, for which they ought to be punished, to be sure some noble lord in this House will stand up, in his place, and impeach the persons against whom any suspicions of guilt shall, upon that enquiry, appear; or this House will, at a conference, communicate to the other House, the discoveries made upon such enquiry, and, upon that, the other House will become the prosecutors: in either case, the persons accused will be brought to an open, a fair, and an impartial trial, they will know their prosecutors, and will have an opportunity to cross-examine the witnesses that are brought against them, and to bring witnesses, or what other proofs they may think proper for their vindication: this, my lords, is the regular and constant method of proceeding in Parliament upon all such occasions, and the method established by our ancestors, for preserving the people from oppression and arbitrary power; but the method of proceeding in the inquisition, and the design of such proceedings are very different: there, the party accused is condemned without any open or fair trial, and he is never allowed to know either his prosecutors, or the witnesses against him, nor is he allowed to

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bring any proof of his innocence; nay, he does not so much as know the crime he is accused of, till the sentence comes to be executed upon him: this is the method of proceeding in that tyrannical court, and the design or aim of all their proceedings is to support the arbitrary power of their master, the Pope of Rome. The methods of proceeding in this House was never yet applied to the support of any arbitrary power, spiritual or temporal, and as little will they, I hope, be ever applied to the screening of oppressors or criminals, let their quality, let their station in life be what it will; for if the methods of proceeding in this House should once come to be applied to the screening or protecting of high criminals, the next step will certainly be, to make use of this House only for the support of oppression, and for sharpening the edge of arbitrary power.

The Petitioners may, and certainly do, know some instances of the illegal practices complained of, but that they know them all is not to be presumed. All that they can know, must proceed from accounts given voluntarily and freely by some particular men, and it cannot be supposed that those men knew a great deal; but, by the authority of this House, others may be compelled to give a full account of what they know, even some of the under agents, entrusted and employed in those practices, may be examined, and from them we may expect a fuller information, than from any of those who were never let much into the secret. It cannot, therefore, be supposed, that the petitioners can give us many instances of the illegal practices they complain of, or a full account of any of them; and whatever accounts they may be able to give us, they have certainly proposed the most proper method for giving them: the most proper method of laying an account of any fact before this House, or before any court of judicature, is certainly to do it by witnesses upon oath; and if the petitioners had chosen any other method, if they had in their petition given us long accounts of particular facts, I am very well convinced, it would then have been represented as an illegal and unprecedented method of laying facts before this House; nay, I do not know but the petition would have been complained of, and perhaps rejected, as a scandalous and impertinent petition.

But my Lords; because the petitioners know some instances of the illegal practices complained of, to conclude from thence, that they must certainly know the principal persons guilty, is, I think, very odd. I cannot pretend to know any thing of the practices made use of; but from two sorts of practices that have been publicly mentioned, I must conclude, that it is impossible for the petitioners, to know the principal persons guilty. Suppose, my lords, that the having a regiment drawn up under arms, in the very place where, and at the very time when, the last election of the 16 Peers was made, should be one of the illegal practices complained of; in this case, the petitioners may know the officer that then commanded the regiment; but that officer is not surely the person against whom your lordships' enquiry is to be chiefly directed; he certainly had his orders from some superior officer; that superior officer is the person, against whom your lordships' enquiry must be chiefly directed; and the name of that superior officer your petitioners cannot be supposed to know.

Let us again suppose, my lords, that corruption was one of the illegal practices made us of at the last election; some Lords of Scotland may perhaps have owned, that they got money for voting according to direction, or that they were offered money or some other reward, on condition they would vote according to direction; but those lords would certainly, for their own sakes, conceal the names of the persons who gave or offered them money, or other reward, for such a corrupt and criminal purpose, because the person named would have been entitled to an action of scandal for spreading such a report against him, and upon that action, would certainly have recovered great damages; whereas, upon an examination at your lordships bar, the persons guilty may be named without any such danger. But farther, my lords, where practices so highly criminal are made use of, we cannot suppose, that the persons principally concerned would personally appear; such practices are generally carried on by under-agents; and though some indirect hints may perhaps have been given as to the names of those under-agents, yet it is impossible for the petitioners to know the names of the principal persons who employed those agents; nay, even your lordships may find some difficulty, to fix those practices on the persons on whom they ought principally to be fixed, and against whom the inquiry of this House, and the vengeance of the nation ought principally to be directed.

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Your lordships will, without doubt, observe the motto of Westminster-hall, 'Audi alteram partem:' it is a rule that will, I hope, be always observed by this House; and in the affair now before us, you will certainly hear the other side, as soon as there is one to be heard: as yet there is no side, there is no prosecutor nor prosecution, and consequently, no person prosecuted to be heard. The petitioners are no prosecutors, nor is it possible for them to tell who are to be prosecuted, or whether there be any person that ought to be prosecuted or no: they complain only against a grievance, they desire your lordships will enquire into that grievance, and apply such remedies as you may think proper. If, among other remedies, it shall be found necessary to prosecute the persons who, by your enquiry, shall be discovered to have been any way concerned in the grievance complained of, a legal and a regular prosecution will certainly be carried on against those persons, and then your lordships will certainly hear what they have to say in their own defence, and till then they have nothing to do with your lordships enquiry, nor have they a right to be present at the examination of any witnesses to be examined at the bar of this House.

In short, your lordships may profess what you will, but if the affair now before us be thus put off by motion after motion; motions which seem to germinate one from another; the world will not believe that you have an inclination to go to the bottom of the affair before you, or that you have an inclination to save your country from the impending ruin which is so loudly complained of, and so generally foreseen: and thus by shewing such a tender regard to the characters of some particular men, who may perhaps be in danger of being exposed by a strict enquiry into this affair, your lordships will bring a most heavy, and, I am afraid, a very general imputation upon the character of this House; therefore I hope the noble duke will wave this motion, and let us proceed to appoint a day for enquiring into this affair, by the examination of all such witnesses as may be thought proper to be examined, upon an occasion of so great importance to the honour of this House, and to the freedom and independency of parliament.

The Reply was to the following effect:

My Lords, as parliamentary enquiries have been often of great advantage to this nation, and may be so in time to come, I shall therefore upon all occasions, be ready and willing to agree to any such proposition, when there appears a necessity for entering into the enquiry proposed; but as all parliamentary enquiries must be attended with great trouble and expence to some of his Majesty's subjects, and as they always raise some sort of ferment in the nation, they are not to be entered upon without some apparent necessity for so doing. We are not, at the desire of any subject, or of any number of subjects, to set up a parliamentary enquiry, unless those who desire it, can shew us very good reasons to suspect, that some illegal practices have been committed, and that it is become necessary for this, or the other House of Parliament to enquire into them. I have a very great respect for the noble lords the petitioners, and I am persuaded, they think that some illegal practices have been made use of, and that it is become necessary for this House to enquire into them. This they are certainly convinced of, otherwise they would never have presented such a petition. This is their opinion, but they must give me their reasons, before I can make it mine. If those reasons be as prevalent with me, as they are with them, I shall certainly agree to the enquiry desired; but neither in this, nor in any other case, shall I ever give my vote according to the opinion of another, but according to that which I have formed for myself. It is therefore incumbent upon the petitioners, to give us some reasons to believe, that illegal practices have been actually made use of, and that there is a necessity for this House to enquire into them; and as it is impossible to give us any such reasons, without first giving us some particular instances of the illegal practices they complain of, and some account of the persons, they suspect to have been concerned in such practices, I cannot but think, the motion now made to us, a very proper motion upon this occasion, and such a one, as the petitioners ought certainly to comply with, before they can expect that any lord in this House, who knows no more of those illegal practices than I do, can agree to any sort of parliamentary enquiry.

When any enquiry is moved for in either House of Parliament, these three questions naturally occur to every member of that House, Whether the practices proposed to be enquired into, be illegal? Whether they be such as may be presumed to have been committed? And,

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whether they be of such a nature, as cannot be punished or remedied by the ordinary courts of law? These are three questions, I say, my Lords, which naturally occur to every member, and he ought to satisfy himself about every one of them, before he gives his opinion, either for or against agreeing to the enquiry proposed. Now, I appeal to your lordships, how any lord in this House, who knows nothing of the practices lately made use of in Scotland, can satisfy himself as to either of these questions, without knowing something more about them, than he can know from the petition now before us? In my opinion, it is impossible for any man to satisfy himself in either of the three, without knowing some particular instances of the practices complained of, and the names of the persons said to have been guilty of those practices. But suppose we should agree to enquire into this affair, without any farther information than what we have at present. I must beg your lordships to consider, how it would be possible for us to examine, or to put the proper questions to any witness, that shall be brought to the bar of this House? For as none of the petitioners have at present a seat in this House, I cannot form to myself any question that could be put by any other lord to a witness, but only the general question; if he knew of any, and what illegal practices made use of at the last election of sixteen peers for Scotland? This, in my opinion, would be a very improper question, because it would be leaving it entirely to the judgment of the witness, to determine, what he took to be an illegal practice, and to give us an account of none but what he took to be such. Upon such a general question, it may be supposed, that some witnesses would give us long and tedious accounts of trifling facts, nothing at all to the purpose, while others might perhaps neglect to inform us of things of the greatest importance. Therefore, not only to enable us to judge if there be a necessity for an enquiry, but likewise to enable us to proceed with accuracy and vigour; we ought to agree to the motion proposed, and the petitioners ought to comply with it, as I make no doubt but they will.

My Lords, in all preparatory examinations, in all sorts of examinations that ever I heard of, the witnesses are questioned about particular facts, and likewise in relation to particular persons; and either the judge, before whom the witness is examined, or some person concerned, and attending for that purpose, knows or is instructed, how to put the particular questions to the witness, in order to draw the whole truth form him, relating to that affair about which he is examined. Even with respect to those enquiries which have proceeded from a motion in either House of Parliament, the member who proposes an enquiry, does not barely make a motion for that purpose; he stands up in his place, and always gives the House an account of the particular facts he desires to be enquired into: nay, he generally gives the names of the particular persons against whom he makes his complaint. By that speech the members are not only enabled to judge, whether or no a parliamentary enquiry be necessary, but they are likewise enabled to put the proper questions to the witnesses, that may thereafter be brought before them in the committee. And besides, the member who makes the motion, is always named one, and generally the chairman of the committee, who must be supposed to know the particular facts, and to suspect, at least, who were the particular persons guilty of those facts; so that he must of course know, how to put the proper questions to every witness, and the particular facts, as to which each witness ought respectively to be examined.

Suppose, my Lords, that the Petition now before us is to be taken as a general complaint against a grievance and a desire to have that grievance redressed; yet it must be granted, that it is one of the most general complaints that was ever brought before either House of Parliament. Enquiries may have been set up upon mere suggestions, or upon common fame; yet I believe there was never an enquiry set up upon such a general suggestion, or upon such a general report: some particular facts are always suggested, even common fame reports some particular crimes and fixes those crimes upon some particular persons, before it is made the foundation of any parliamentary enquiry. And with respect to presentments at common law, it is very certain, no grand jury ever made such a general presentment as the complaint now before us: they always fix upon some particular thing, or upon some particular practice, and present it as a nuisance, which they think ought to be remedied; and if a grand jury should make a presentment, complaining in general, that at such a time,

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or upon such an occasion, some illegal practices had been made use of, without mentioning one of those practices which they took to be illegal, or one of the persons by whom they supposed such practices to have been made use of, I am persuaded no inferior court in England would take any manner of notice of such a presentment. An utter neglect would certainly be the fate of such a presentment at common law; and I am persuaded a motion in the other House for an enquiry, founded upon such a general and indefinite charge, would meet with very little success. However, I am very far from proposing, that the Petition before us ought to be entirely neglected; I think it ought to be greatly regarded, both on account of the persons complaining, and the matter complained of: and I shall be for making a most strict enquiry into the affair, if the petitioners will but make it possible for us to do so, by giving some instances of the practices they complain of, and the names of some of the persons they suspect to have been guilty of those practices.

The petitioners, my Lords, must know, or have heard of some particular facts which they take to be illegal, and of dangerous consequence, otherwise it is certain, they never would have presented such a petition to this House. Let them but inform us of those particular facts they know or have heard of, that we, as well as they, may judge whether they are illegal or not; that we, as well as they, may judge whether they are of such dangerous consequence, as to deserve a parliamentary enquiry. And it is impossible they can know any particular facts, without knowing the names of some of the persons who were guilty of those facts, nay it is impossible they could have heard of any facts, without having had the persons guilty named to them, or at least described in such a manner as they must know who they are; for though there might, perhaps, have been some danger in publishing the name of any person upon such an occasion, yet the person guilty might have been so described as to make every one know who was meant, without exposing the person who gave such description, to any danger. Such descriptions must have been fully understood by the petitioners; and surely they may, without any danger, declare to this House the names of the persons they suppose to have been meant by such descriptions.

To conclude, my Lords, though I have as great a regard for the noble lords the petitioners, as any lord in this House can have: though I could depend upon their judgment as much as upon the judgment of any men, yet I cannot answer to myself for agreeing to take up the time of this House, and put witnesses to the trouble and expence of travelling, perhaps a great many miles, which must be the event of our entering upon an enquiry into this affair, without being, in my own judgment, convinced, that there is great reason to suspect that some very illegal and dangerous practices have been made use of, and that they are practices of such a nature, as cannot be punished or remedied any other way than by a parliamentary enquiry; and since I cannot, of this, be convinced in my own judgment, without knowing particularly, both the practices that are suspected to have been illegally committed, and the persons names that are suspected to have been guilty of those practices, therefore I must be for the motion. After this Debate

The Lord *Bathurst* stood up, and spoke to this effect:

My Lords; Since I find your lordships are like to come to a question upon this motion, I must observe, that, as it stands at present, it is a motion complicated of two very distinct parts. By the first part of it, the petitioners are to be ordered to lay before this House, in writing, instances of those undue methods and illegal practices, upon which they intend to proceed: and by the other part, they are to be ordered to lay before this House, the names of the persons they suspect to have been guilty of those undue methods and illegal practices: now, my Lords, as the two parts are evidently as distinct and different from one another, as any two motions can be; and as it is evident, that several lords may, for very good reasons, be against the last part, though they may be for the first, therefore, my Lords, I must make use of that right which every lord has, by the constant practice of this House, and desire that the parts may be separated, and the question put separately upon each.

The question being called for, his lordship stood up again, and insisted upon it, That when a question appeared to be complicated, every single lord in that House had a right to desire that the parts might be separated, and that different questions might be put upon the several different parts. This, he said, was a right that

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was never controverted, and he insisted upon his right.

The question being still called for, he stood up the third time, and said, That since they did not seem inclined to grant him a right, which had never been denied to any lord in that House, he would propose an Amendment to the motion, which was, that these words "And the names of the persons they suspect to have been guilty of such undue methods and illegal practices" might be left out; and therefore he hoped their lordships would put the question upon the Amendment, before they put the question upon the motion.

Upon this the question was put upon the Amendment offered, which was carried in the negative, by 90 to 48: and then the question being put on the motion, it was carried in the affirmative, without a division.

The motion was made by the duke of Devonshire; and was supported by the earl of Scarborough, the lord Hervey, the lord Hardwicke, the bishop of Salisbury, the earl of Ilay, the Lord Chancellor and the duke of Newcastle. It was opposed by the earl of Chesterfield, the lord Gower, the lord Bathurst, the earl of Abingdon, and the earl of Strafford.

Answer of the Scots Peers to the Order of the 21st instant, concerning undue Methods used in the Elections.] The Petitioners having been made acquainted with this last order, in the same manner they were made acquainted with the former, they delivered their Answer in writing to the Lord Chancellor, on the 27th of February: and next day, the order of the House being read, the Lord Chancellor acquainted the House, that he had received from the Petitioners, an Answer in writing to their lordships last order, which he read to the House, and of which the following is an exact copy;

"My Lords,

"Your lordships Order of February the 21st instant, hath been signified to us by the right honourable the Lord High Chancellor, with respect to which we do humbly submit to your lordships, that we have not, by our petition, stated ourselves accusers of any person whatever, nor did we intend to do so; but thought it our duty to lay before your lordships, by way of petition, that such methods and practices were used, towards carrying on the last Election of sixteen peers for Scotland, as appeared to us dangerous to the constitution, and might prove subversive of the freedom and independency of parliament. The preservation of our happy constitution is what we have in view, without regard to any particular persons; and we humbly conceived, that any matter which so nearly concerns this constitution, or might appear to be an encroachment upon it, was a proper subject for your lordships consideration and enquiry, as a high court of parliament.

"That without stating ourselves as accusers, which is far from our intention, we conceive we cannot take upon us to name the particular persons, who may have been concerned in those illegal practices; but, who those were, will undoubtedly appear to your lordships, upon taking the proper examinations; and the facts are what we humbly pray may be inquired into, whoever may happen to be affected by them, nor can we, without acting as evidences, comply with those words of your lordships' order, to give the names of the persons by whom such undue methods and illegal practices were used: but, would we act both as accusers and witnesses, it is impossible for us to inform your lordships, who were the persons that, in the course of this examination, and from the testimony of future evidences, may appear to have been concerned in the above-mentioned practices.

"We do also humbly submit to your lordships, that we may have very certain and true information of undue methods and illegal practices, that have been used towards engaging peers to vote for a list; and yet that our informers may not have thought proper to name the persons, by whom such undue methods and illegal practices were used; or may be unwilling to do so, until they are brought upon their examination.

"And, with respect to the laying before your lordships the particular instances of the undue methods and illegal practices mentioned in our Petition, we humbly submit to your lordships, if an examination of this kind ought to be confined to particular instances; since, from the nature of the thing, it appears evident, that many instances may come out in the course of such examination, the particular circumstances whereof cannot be known to your Petitioners, and yet must appear upon enquiry.

"That though the opening the particulars of the facts to be proved, may necessarily produce such a discovery of evidence

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before examination, as is usually thought dangerous even in course of ordinary trials, and may be much more so in the case of a parliamentary enquiry:

"Yet, nevertheless, in consequence of your lordships order, as far as we are able from the nature of the thing, we do humbly acquaint your lordships, that we laid the Petition before you, upon information, that the list of the sixteen Peers for Scotland, had been framed by persons in high trust under the crown, long previous to the election itself; and that this list was shewn to Peers, as a list approved of by the crown, and was called the King's list, of which there was to be no variation, unless to make way for one or two particular Peers, on condition they should go along with the measure.

"That Peers were solicited to vote for this list, or the Crown list, without the liberty of making any alteration.

"That endeavours were used to engage Peers to vote for this list, by promise of pensions, and offices civil and military, to themselves and near relations, and by actual promise and offers of sums of money.

"That sums of money were actually given, to or for the use of some Peers, to engage them to concur in the voting this list.

"That annual pensions were promised to be paid to Peers, if they concurred in the voting this list; some of them to be on a regular establishment, and others to be paid without any establishment at all.

"That, about the time of this election, numbers of pensions, offices (of which several were nominal) and releases of debts owing to the crown, were granted to Peers who concurred in voting this list, and to their near relations.

"That, on the day of election, a battalion of his Majesty's forces was drawn up in the Abbey-court, at Edinburgh, and three companies of it were marched from Leith (a place at one mile's distance) to join the rest of the battalion, and kept under arms from nine in the morning till nine at night, when the election was ended; contrary to custom at elections, and without any cause or occasion that your Petitioners could foresee, other than the overawing of the election.

"These instances of undue practices we now humbly mention, which we hope will satisfy your lordships, that we have just reason to pray your lordships to take this matter into your serious consideration, and to provide such a remedy as may be effectual, for preserving the right and freedom of elections, such right of electing being the only right that now remains with the Peers of Scotland, in lieu of a constant and hereditary seat in Parliament.——

(Signed,) Hamilton and Brandon, Queensbury and Dover, Montrose, Dundonald, Marchmont, Stair."

Feb. 27, 1734.

Debate on a Resolution, "That the Petitioners have not complied with the Order of the House."] After this Answer was read, a motion was made for their lordships to resolve, "That the Petitioners had not complied with the Order of that House of the 21st instant."

The Argument for this Resolution was to the effect as follows:

My Lords; The Answer now read to us, is, in my opinion, altogether as general and as obscure as the Petition which your lordships want so much to have explained, and without which explanation the opinion of this House seems to be, that we cannot proceed: the Petitioners, it is true, have in this answer told us in general, the nature of some practices which are highly criminal, and which deserve very much the notice of this House; they have indeed told us the species of those crimes, which they suppose to have been committed; but they have not told us of any particular crime; nor have they given us so much as one instance of any particular fact upon which they intend to proceed; and as for the persons' names supposed to have been guilty of those crimes, they have not, in so far as I can find, given us the least hint of any one; so that we are certainly now as much in the dark, as when we made that order to which they have given us this answer: I cannot therefore think that any of your lordships will be of opinion, they have complied with the order of this House; nay, so far are they from complying with it, that they seem cautiously to avoid complying with it, that they seem cautiously to avoid complying with it, even so far as was in their power; for they do not so much as say, that their informers have refused to name the persons guilty; but only say, that their informers may, perhaps, be cautious of naming any particular persons, till they come to be examined at your lordships' bar. Surely, my Lords, if their informers told them the names of the persons that were guilty, they might, in compliance with your lord-

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ships order, have given the names of such persons; and if their informers have actually refused to name any persons till they come to the bar of this House, the Petitioners might have positively said so: then, as to the regiment that is said to have been kept under arms near the place of election, the Petitioners must certainly know the name of the officer who commanded the regiment at that time; and consequently, they might surely have complied with your lordship's order so far as to give you the name of that officer, which I find they have not done; and for that reason I shall conclude with a motion so natural, that I hope no lord in this House will make any difficulty in agreeing to it.

When your lordships made the last order, it was certainly your opinion, that it was impossible to proceed to the examination of any witnesses in this affair, till you knew some of the particular facts about which the witnesses were to be examined, and the particular persons against whom they were to give their evidence. This must have been your opinion, otherwise you would never have made such an order: and now I appeal to every lord in this House, if from the petitioners' answer, now before us, he can pretend to any farther knowledge than he had at that time, either as to the particular crimes committed, or as to the persons who were guilty of those crimes; therefore I must conclude, that every lord in this House, who agreed to that order, must of course agree to the motion I am to make: besides, there is nothing, my Lords, in which the honour and the dignity of this House is more concerned, than in that of seeing our own orders punctually complied with; and as it cannot be pretended that the petitioners have, by this answer, complied in the least with our last order, therefore, I think, I must be justified in moving, That your lordships would come to a resolution, that the petitioners have not complied with your said order.

The Answer to this was in substance as follows:

My Lords; When your lordships last order was first proposed, I was not only of opinion, that it was contrary to the whole spirit and tenour of the laws of England, which do not allow any man's character to be loaded with an accusation, unless by the oath of some person or another; but I was likewise of opinion, that it would be impossible for the petitioners to comply with it, and therefore I at that time opposed it: however, now that it is become an order of this House, I must admit that it was a just, a right, and a proper order; and therefore, the only thing we have now under our consideration is, whether the petitioners have complied with it or no? I hope, my Lords, it will not be supposed that we are, by any order, to require people to do what is impossible; and for this reason, every order made by this House must, in the very nature of it, imply an alternative: every order we make must be presumed to imply, that those to whom it is directed, shall either comply with it punctually, or shew us that it is impossible for them to do so; for surely neither the honour nor the dignity of this House can be engaged, to make any man perform an impossibility.

According to this rule, my Lords, let us examine the answer now before us: by our order, we desired the petitioners to give us instances of those illegal practices they complained of; and have not they given us instances of the most illegal practices that were ever made use of at any election? Is not bribery an instance of illegal practices? And can that instance be more particularly expressed, than they have expressed it in their answer? They have not only told us the species of the crime, but they have told us several ways or methods how it was made use of: they have told us, that some were bribed by the promise of offices, some by the promise of money or pensions; that some were bribed by the actual grant of pensions, some by the actual grant of offices, and some by the actual grant of releases of debts, owing by them to the crown: nay, they have told us, that sums of money were actually given to or for the use of some peers, to engage them to concur in the voting a list of peers: is it possible, my Lords, to give more particular instances of bribery, without actually naming the persons who gave, and the persons who received the bribes? But bribery, it seems, was not of itself sufficient to cram this list down the throats of some of the Peers of Scotland; to their gifts and their promises they were forced to add menaces and threats: by calling it the King's List, and by saying it was approved by the crown, what else can be understood, than that they designed to threaten those who should refuse to vote for it, with the displeasure of the crown, and that they must expect to be turned out of any office or employment they enjoyed

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under the crown? Nay, the petitioners go farther, they tell us, that not only his Majesty's name, but his Majesty's troops were made use of, to terrify those whom money or promises could not corrupt. Without giving us the names of the persons by whom, and to whom those expressions were made use of; without giving us the name of that person from whom those orders to his Majesty's troops originally flowed, it is impossible to describe those instances of menaces and threats, more particularly than they are described in the answer now before us; and therefore there is not the least pretence to say, that the petitioners have not fully complied with this part of your lordships' order.

Now, my Lords, with respect to the other part of your lordships' order, by which the petitioners are desired to give us the names of the persons that were guilty of those crimes; this indeed they have not complied with; but for what reason? Because it is impossible. They do not say, that from their own knowledge they know any of those illegal practices; they do not so much as insinuate, that any man attempted to bribe or to frighten either of them: no, my Lords, all the knowledge they have, is, by information; and they expressly tell us, that were they to act both as accusers and witnesses, it is impossible for them to inform your lordships who were the persons guilty; and farther, besides the credit which is due to their characters, they give us a most convincing reason for the impossibility they labour under in this respect: they tell us, that their informers may be unwilling to name the persons guilty, until they are brought upon their examination; and this, my Lords, every one of your lordships must agree to be very probable, nay, to be certain, because of the great danger that attends the mentioning of any person's name upon such an occasion. As to the officer that commanded the regiment, kept under arms during the time of that election, I do not doubt but the petitioners may know his name; but I am surprized to hear any lord say, that the petitioners ought to have named him in their answer to your lordship's order, because he was not, nor could be the person guilty; he must have been but an inferior officer, and therefore must have had orders from a superior for what he did: the superior, the supreme, I mean, my Lords, the person from whom those orders originally flowed, is the only person guilty, and the only person your lordships are to enquire after; all under him are obliged to obey their orders, under the pain of mutiny, which is immediate death; and therefore they cannot be the persons guilty; so that it would have been ridiculous in the petitioners, to have named the officer who commanded the regiment, as the person guilty of any illegal practice; and the other, the petitioners cannot know: but, my lords, by examining that officer, and perhaps some others, at your lordships bar, you will at last find out the person, properly chargeable as the criminal in this respect: I say criminal, my Lords; for it has always been held highly criminal, to leave any regular forces in any town where an election is to be; and certainly it must be much more criminal, to march them into such a town, and to give them orders to stand to their arms, as if they were ready to cut the throats of all those, who should dare to oppose the persons that gave them their orders: thus, I think it is evident, that with the first part of your lordships' order the petitioners have fully complied; and with the latter part, they have not only declared, but have shewn, in the most convincing manner, that it is impossible for them to comply; and therefore there cannot be the least foundation, for the resolution the noble lord has been pleased to move for.

There may be, and I hope, my Lords, there are many lords in this House, who might think, that your lordships could not well proceed to an enquiry into this affair, without some farther lights than you had by the petition: and may now think that you have had lights sufficient to proceed to an enquiry, by which those dark scenes of iniquity may perhaps be opened fully to view. The three questions which naturally occur, when an enquiry is proposed, may now be easily answered: can it be doubted but that the practices, of which the petitioners have given us so many instances, are illegal? Can it be supposed, that they can be either punished or prevented by any inferior court? Is it not admitted of all sides, that they are such as highly deserve the notice of this House? As to the first and third questions, therefore, none of your lordships seem to make any doubt; then as to the second, whether they are such practices as may be presumed to have been committed? I am sorry, my Lords, to say, that the presumption is, in my opinion, but too strong. Besides the characters of the noble lords

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the petitioners, who are well known, and I hope well respected by most of your lordships, have not we a general clamour against such practices? And when I consider the great qualifications, and more especially the just, the generous, and the prudent conduct of some of the petitioners, who had the honour to be members of this House in last parliament; the great number of votes they had in their favour, at the election for that parliament: and the small number of votes they had in their favour at last election; I must say, I am afraid there is too much ground for this general clamour, too solid a foundation for this particular complaint; so that as to the second question, there can be, in my opinion, as little doubt as in either of the other two.

Another argument, my Lords, which seemed to make some of your lordships willing to agree to the order then proposed, was, that, without some farther lights into this affair, the proper question could not be put to the witnesses to be examined at your bar: but can any lord now say, that we are not fully instructed by the answer now before us, for putting the proper questions to every witness that can be brought to our bar, upon an enquiry into this affair? The particular interrogatories, both as to bribery and threats and likewise as to the regiment, which seems to have been made use of, with an intention to over-awe this election, arise so naturally from the answer before us, that we may get at the bottom of this affair, without any farther information: but, besides, though the petitioners have not now the honour to be members of this House, yet surely they will be allowed, and by this petition they appear to be ready and willing, to give every lord of this House as much assistance as they can, in putting the proper questions to each witness, so as to enable us to draw from every witness the whole of what he may know, about the illegal practices made use of at last election. From all which it is probable, nay, I think it is to be expected, that there are many lords in this House who were for the order proposed, but will now be for proceeding directly to an enquiry into this affair, and consequently must be against the motion now proposed.

My Lords, notwithstanding I have, I think, clearly shewn, that the petitioners have fully complied with your lordships order, in so far as it was possible for them to comply with the same: yet I should be very easy about the event of this motion, if I did not suspect that it was to be followed by another, which will, I am afraid, put an end to this affair; and therefore I hope the noble lord will be so ingenuous as to stand up, and declare what he intends by the motion he has been pleased to make; for though the petitioners do not intend, or should absolutely refuse to set themselves up as accusers, yet I hope your lordships are not, for that reason, to drop an affair, in which the honour and dignity of this House, in which the very being of our constitution are all so deeply concerned. When this affair came first before us, it was said, it ought to be looked on as a cause, and that therefore the petitioners ought to be considered as the plaintiffs, and ought to name those they designed to make defendants. But if it were to be considered as a cause, we are not, in my opinion, to look on the petitioners as plaintiffs, nor upon any particular persons as defendants. It is, my Lords, the honour of this House, the liberties of the people, and our happy constitution, that are to be looked on as the plaintiffs, and bribery and corruption are the defendants: these, my Lords, are properly the parties to this cause, if the affair now before us were to be looked on as such. But it ought not, in any shape, to be considered as a cause; it is to be considered only as an enquiry, which some of the best and greatest of his Majesty's subjects have earnestly petitioned for, which the nation calls aloud for, and which the honour of this House most peremptorily requires.

It is certain, my Lords, it is evident from the records of both Houses of Parliament, that enquiries have been often set up, without naming any persons whose conduct or crimes were to be enquired into. Even but a few sessions ago, there was an enquiry set up in this House, and witnesses examined at the bar of this House, without naming any person who was supposed to have been concerned in the affair then enquired into; I mean, my Lords, the affair of the South-Sea Company, in relation to the disposal of their directors estates: it is true, that enquiry was objected to and opposed, as I believe all enquiries will for ever be; but the reasons for opposing that enquiry, were not because no particular person was named, nor any particular instance of fraud given; no, my lords, the only objection against that enquiry, was that there were no petitioners before us: it was said, that we ought not

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to enquire into that affair, because none of the proprietors of the South Sea Stock, none of the persons concerned, had complained of any frauds or undue practices. In the present case, this objection cannot be made; we have now a petition before us, we have persons complaining of undue practices, who are highly interested in the complaint; but now it is said, we must not enquire into this affair, because none of the practices are particularly mentioned, because none of the persons guilty are particularly named: thus, my Lords, will some objection be always found, to our entering upon an enquiry into any fraudulent or criminal practices, let the interest and safety of the nation, or the honour and dignity of the House be ever so much concerned.

If a coroner, my Lords, should be informed that a person had been murdered, the body buried, and the murder concealed; but that if he would examine such witnesses as his informers should direct him to, the murder might be discovered, and the persons guilty apprehended, and brought to condign punishment; surely the coroner would be very deficient in his duty, if he should neglect or refuse enquiring into the affair, because his informers could not, or perhaps would not, declare to him the persons guilty, and the particular manner in which the murder was committed: surely, my Lords, if his informers were men of any character or credit, if they were persons upon whose information he could have the least dependence, he would immediately order the body to be taken up and examined, and would examine in the strictest manner every witness his informer could direct him to. The case before us is the very same: if your lordships can have any dependence upon the character or credit of the petitioners, you must suspect, that a most horrid murder has been committed: an election there has certainly been, whether it was a fair and a natural election, your lordships are to enquire; for if it was carried on by undue methods and illegal practices, the right of the peerage of Scotland has been murdered, our constitution has got, I am afraid, a mortal stab: I am persuaded none of your lordships are of opinion, that the petitioners are persons whose information is not in the least to be depended on; and in such a case, upon such an information, will your lordships refuse to make any enquiry, because they cannot inform you of the particular persons concerned in this murder, and of all the particular circumstances how it was committed? For God's sake, my Lords, consider what an injury will be done, by such a refusal, to the nation in general; what a public slur will be thrown upon the honour of this House and upon the justice of our proceedings.

In short, my Lords, the honour of this House, as well as the independency of parliament, is, in my opinion, so much concerned in the affair now before us, the complaint is so well supported, the grievance so fully and so particularly set forth, and a redress so loudly and so generally, as well as particularly called for, that, if we do not enquire strictly into this affair, I shall hardly expect that this House will ever for the future enquire into the complaints of any subject, or of any number of subjects; and if the other House follow the example of this, where then shall the subjects go to complain? No where can they go, my Lords, but to the foot of the throne, which they cannot approach, but when the ministers please to give them leave; and then, I am sure it must be granted, that the subjects of this once happy and free nation, will be reduced to the same state with the subjects of the most absolute, the most slavish monarchy on earth.

To this it was replied as follows:

My Lords; By the motion which the noble lord was pleased to make to us, I must think, that the only question now before us is, whether the petitioners have complied with the last order of this House, or no? If they have, your lordships must disagree to the resolution proposed; if they have not, you cannot avoid agreeing to it. This is the only question now in hand, and therefore I must think it very irregular, to bring any arguments which may seem to impeach the justice or the propriety of an order already agreed to. Now, my Lords, as to the question. I have read, I have thoroughly considered, both your lordships' order, and the answer now before us, and I must really be of opinion, that the petitioners have not complied with any one part of your lordships' order: by that order, they are desired to give us instances of the illegal practices complained of; and in answer to this they tell us, that some were bribed with ready money, some with offices, or with releases of debts, due by them to the crown, and some with promises; and they seem to insinuate, that

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others might be terrified, by calling the list proposed to them, the King's list; or by the regiment that was drawn up near the place of election; is there any thing, but what every lord in this House must have known before he saw this answer? Surely, if any illegal practices are made use of, for influencing any election, those practices must consist either in bribing or threatening the electors; they can consist in nothing else; and I must think that your lordships intended, by that order, to be informed of something more than you knew, when that order was made; you certainly did; and as the petitioners have given you no farther knowledge or information, it cannot surely be said, that they have complied with that part of your lordships order.

It may perhaps be impossible for the petitioners to give us any particular instances of bribery, or of menaces, without naming the persons who gave, or the persons who received the bribes; without naming the persons who threatened, or the persons who were threatened; but, my Lords, is not this the very reason why you joined the two in one order? You were sensible, that particular instances could not be given, without naming the persons; and therefore, that the petitioners might not mistake your meaning, you ordered them to give you the persons names, as well as the instances; and if it be impossible for them to give any person's name, it is certainly equally impossible for them to give you any instances either of bribery or threatening; but this being contrary to what they have told you in their petition, I must therefore conclude, that they know some of the persons names, but refuse to comply with your lordships' order in that respect; and indeed, they have taken care, not to affirm positively in any part of the answer now before us, that they do know any of the persons names; for when they say, that, were they to act both as accusers and witnesses, it would be impossible for them to inform your lordships, who were the persons, that, in the course of this examination, and from the testimony of future evidences, may appear to have been concerned in the above-mentioned practices; it cannot be presumed, that they mean to say more than, that they do not know all the persons that, by such examination, may appear to have been concerned; but still they may know some of the persons, they must know some of them, otherwise they could not have said in their petition, that they were ready to lay instances of illegal practices before this House; and therefore it cannot be said, that they have complied with your lordships order, so far as was possible for them to comply with the same.

I shall grant, my Lords, that it is not legal to leave any regular troops in a place where an election is to be, or to march any troops to such a place, at the time of an election, unless there appear some very good reason for so doing: but if tumults and riots should happen, or if the magistrates of the place should receive certain information, that some such were intended, they might certainly call in his Majesty's troops, for the preservation and quiet of his Majesty's subjects; and if any enquiry should be made into this affair, which upon this very account, I wish there may, it will be made appear, that there was very good reason, for having that regiment near the place of election, and that whatever they did, was done by a proper and legal order: but if it were otherwise, if there was any thing illegal done by the regiment, the officer who commanded that regiment at the time, is the first person to answer for it, and must be presumed guilty, till he can clear himself, by shewing that he had orders from a superior officer for what he did, and such orders too as he could not discover to be illegal; for if the orders should, upon the very face of them, appear to be contrary to law, I do not think such orders would justify the officer who obeyed them: the Petitioners therefore, ought certainly to have named the officer who commanded that regiment, as one of the persons guilty of the illegal practices they complain of; and that it was in their power to do this, is, I think, acknowledged of all sides. From all which it is, in my opinion, evident, that the Petitioners have not in any respect complied with your lordships' order; and therefore you must certainly agree with the noble lord, in the resolution he has been pleased to propose.

But now, my Lords, as some things have been thrown out, even in this debate, against the order agreed to by this House, I hope your lordships will give me leave to add a few words in vindication of your order. I shall agree with the noble lord, that, by our law, no man is to be loaded with what is properly called an accusation, without the oath of some witness; but then, before that accusation, which at common law is called an indictment, can be

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drawn up; before any witness can be examined, the person's name, and likewise the particular crime with which he is charged, must be made known to the court, or to some persons belonging to the court, and intrusted by the court for that purpose; upon this information, the indictment is formed, and the witnesses are examined before the grand jury, in order to their finding the Bill: this is the course at common law, and this is a method, which ought to be followed in all courts, and in all cases relating to the punishment of crimes. This is the very method which this House now desires to follow; we only want such an information, as may enable us to form or draw up an accusation, and then we are to examine witnesses, to see if there is any ground for the accusation, to see if there is any reason for proceeding farther in the prosecution.

With respect to enquiries into crimes or misdemeanors, either before this House or the other, I do not, my Lords, remember to have heard, that there was ever any such enquiry set up in either House, unless where the persons were named, and the practices particularly set forth, by those who desired the enquiry; or that both were so particularly described, that every member might easily and certainly judge, who were the persons pointed at, and what were the crimes they were to be accused of: I have often heard it said that comparisons go upon all four; but the comparison made between the enquiry now proposed, and the enquiry lately made, relating to the South-Sea Company, is a comparison, which is so far from going upon all four, that it has not so much as one leg to put to the ground. In the South-Sea enquiry, the disposal of the estates of those who were directors of that Company in the year 1720, was a fact particularly mentioned, and the fact proposed to be enquired into; and as that money was under the management, and must have been disposed of by those who were afterwards directors of that Company, if any frauds had been committed in the disposal of that money, they were the only persons that could be guilty, the only persons that could be prosecuted, and their names were well known; so that, in that case, the names of the persons were known, and the particular instance, the particular fact to be enquired into, was mentioned in the very resolution of this House; and in that case it happened, that, after we had given the South-Sea Company a great deal of trouble, after we had given several private gentlemen a great deal of trouble, we at last found we had proceeded to an enquiry a little too rashly, and without any solid grounds; which I am convinced, would be the event of the enquiry now proposed, if we should enter upon it without any farther information than we have at present.

With respect, my Lords, to what has been said about the duty of a coroner, I must be of opinion, that if persons of the best character should come and inform him, that a murder had been committed, the body buried, and the murder concealed, and yet should refuse to give him the least hint of the persons supposed to be guilty; or the least circumstance, by which the coroner could judge of the grounds of their suspicion; I say, my Lords, that if a coroner should, upon such a general information, order the body to be taken up, and give the relations and friends of the deceased a great deal of trouble, he would be very much blamed; and would have great reason to be ashamed of his weakness and credulity, if at last it should appear, that the deceased had died a fair and a natural death: nay, even though his informers had told him in general, that they had heard the deceased was certainly murdered by poison, without telling him by whom, at what time, or in what manner administered, such a general circumstance would no way excuse the coroner's officious enquiry.

If it were possible, my Lords, to judge in the present case, of the truth of facts, without knowing the names of the persons said to have been concerned in those facts; then the latter part of your lordships' order would have been useless, and consequently would in so far have been improper; but in the case before us, without knowing the persons names, said to have been concerned in the practices complained of, it is impossible for us, upon our own judgment to determine, whether we have any ground to presume that those facts were really committed, because it is upon the characters and circumstances of the persons said to be concerned, that our judgment must in this case principally depend; and I am sure, without a strong presumption of the truth of the facts complained of, it would be wrong in us to enter into an enquiry: this I take to be the true reason, why we desired to have the persons names, why we agreed to that order as it now stands; and therefore I cannot see how any lord who was for that order, can be for our

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proceeding to an enquiry into this affair, till the order be fully complied with.

There is no man, my Lords, can have a greater regard for the noble lords petitioners, than I have; no man can have a greater regard for their opinion, as to the veracity or the probability of what they relate, than I shall have upon this and every other occasion; but I hope they will excuse me, for not allowing my behaviour in this House to be directed by their opinion: if they have a mind that I should be of their opinion, if they have a mind that I should believe the facts they relate, as their relation does not proceed from their own knowledge, they must give me the particular reasons, they must give me the particular circumstances, upon which they have founded their opinion, as to the truth or probability of what they relate; then and not till then, I shall be able to form some opinion of my own; and till I can form an opinion of my own, till I can convince myself, that there is at least a high probability that some illegal practices were made use of at the late election of peers for Scotland, I cannot agree to our entering upon an inquiry into that affair.

I hope, my Lords, I have as great a regard for the honour of this House, as any lord can have; but for this very reason, I cannot yet agree to any enquiry into this affair: I think it inconsistent with the honour and dignity of this House, to enter rashly into any measure; I think it inconsistent with that regard we ought to have for the ease and tranquillity of the subject to enter into a solemn enquiry into supposed crimes, without very sufficient grounds to suspect, that some such were really committed; for by all such enquiries, some particular men must be put to great trouble and expence; and by raising a general ferment, the tranquillity of the whole nation will be disturbed. I likewise hope, my Lords, I have as great a veneration for the independency of parliament as any man; but as we ought to be independent of the crown, or the ministers, so we ought not to depend upon the opinion of any number of subjects, nor ought we to depend upon vulgar rumours or general clamours. I do not know, that there is in the present case, any general clamour for an inquiry, at least I have never heard of any such; but if there were, we are not for that reason to proceed to an enquiry: no, my Lords, we ought coolly to examine the grounds, the foundations of that clamour, and if we find it has been artfully raised, without any solid foundation, we ought to despise it; for if neglected and contemned, it will sink, it will evanish of course. I beg pardon, for taking up so much of your lordships' time, about what I really think is not the question before us at present; but I have so great a regard for the honour of this House, that I thought myself obliged to say something by way of reply, in vindication of an order of this House, so solemnly agreed to; and therefore I hope your lordships will excuse me.

The question was then put for a resolution, according to the motion above-mentioned, which was agreed to upon a division, by 90 to 47. This motion was made by the earl of Cholmondeley, and was supported by the duke of Newcastle and lord Hervey; and it was opposed by the lord Bathurst, the earl of Chesterfield, the lord Gower, the earl of Abingdon, and the earl of Strafford.

Protest against the said Resolution.] Against this Resolution, the following Protest was entered upon the Journals, viz.

"Dissentient.—Somerset, Tadcaster, Maynard.

1. "Because it was agreed in the debate, conformable to the rules of reason, that no impossibility was required from the lords petitioners; and though we allow that they have not literally complied with the order, yet we think the assertion in their answer, that it is impossible for them to inform the House who are the persons, that in the course of the examination, and from the testimony of future evidences, may appear to have been concerned, was sufficient to satisfy the House, that they have not wilfully disobeyed the order.

"And from the nature of things, we conceive it impracticable for the lords petitioners, to name all the persons, who may be concerned in those illegal proceedings, for although the offers of places, pensions, and other gratuities, must be presumed to come from persons in power, yet such offers may reasonably be supposed to be conveyed by under-agents; and we must also observe, that if those under-agents should be publicly named before examination, they may either be prevailed upon to abscond, or to take the whole upon themselves to screen offenders of higher rank.

"We must farther declare, it is our opinion, that such corrupt and dark designs as are specified in the answer, may have

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been carried on with that secrecy and dexterity, that although a moral certainty may appear, of their having been executed, the persons concerned in the execution may never be discovered; yet this good effect might have arisen from the enquiry, that the legislature would have found means to prevent such pernicious practices for the future; and even in that case, the Lords Petitioners, by bringing this affair before the House, would have done a real service to the Peerage of Scotland, to this high Court of Judicature, and to the whole united kingdom.

2. "Because we can no ways conceive, that the going on upon this examination, without having the names of the persons produced, could be attended with any possible injustice to, or hardship upon, those who might afterwards be named by the evidence; on the contrary we are persuaded, that such persons would have an advantage, which could not happen in any other course of proceeding; the whole matter of the accusation would lie open to them, the witnesses against them would be known, who could not afterwards be suffered to vary from their testimony, and the House would in justice allow such persons a full time to answer the accusation, and to bring up witnesses (if necessary) to prove their innocence. Neither is this looked upon as an accusation at present; for (as it was justly observed) there are no accusers, nor persons accused; but we apprehend it to be the most proper subject for a parliamentary enquiry, that can possibly be brought before this House.

3. "However it may be necessary in the course of other proceedings, whether upon impeachments or appeals brought before this House, that all the persons concerned should be named, we can by no means think it necessary upon an enquiry, no final sentence being then to be given; and those rules which are consistent with justice in the former cases, must, in our opinion, tend to obstruct all justice in the latter. We cannot conceive that an innocent person, who should happen to be named in the course of such an examination, can possibly be deprived of the means of making his innocence appear: but we can well foresee, that guilty persons (and those probably of the highest rank) may escape by such a method; which, imposing an impossibility on the informants, must, as we apprehend, tend to defeat all parliamentary enquiries, and therefore could not be, in our opinion, within the intention of the order.

4. "Because the matter specified in the answer are of such a nature, as seem only proper to be examined in this House; and had the Lords' Petitioners sought a remedy any where else, they might have been justly censured: We apprehend therefore, that the pinning them down to the precise words of the order may be attended with this fatal consequence, that all parliamentary enquiries may be rendered much more difficult hereafter; which may probably give such encouragement to corrupt ministers, that they may be prompted to make the most dangerous attempts upon the constitution, and hope to come off with impunity: such apprehensions naturally suggest the melancholy reflections, that our posterity may see the time when some of those lords, who sit upon a more precarious foot than the rest of the House, having through motives of virtue and honour, opposed the evil designs of some future minister, for that, and that alone, may be excluded at an ensuing election; and though the whole world may be sensible of the cause of their exclusion, no remedy may be found, but their case may become a subject of national concern, indignation and resentment.—*(Signed.)* Scarsdale, Bruce, Bolton, Warrington, Bedford, Suffolk, Shaftsbury, Chesterfield, Craven, Coventry, Foley, Strafford, Abingdon, Boyle, Thanet, Berkshire, Aylesford, Gower, Huntingdon, Masham, Grahame, Litchfield, Beaufort, Denbigh, Cobham, Bridgewater, Anglesea, Bathurst, Haversham, Northampton, Macclesfield."

Debate on a Motion for dismissing the said Petition.] Immediately after this Resolution was agreed to, a motion was made "To order, that the said Petition be dismissed." The Argument for the Motion was in substance as follows; viz.

My Lords; When the Petition now before us was first presented, I was of opinion that it was conceived in such general and obscure terms, as not to deserve, on its own account, the least countenance or consideration from this House; and I am persuaded it was not on account of any matter contained in the Petition, that your lordships did not reject it immediately upon its being presented. The regard you have been pleased to shew to it, was certainly on account of the noble Peers who sign it, and in this I heartily concurred, because for all of them I have the greatest esteem: For this reason your lordships

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were pleased to indulge them with an opportunity to explain themselves, and to clear up that obscurity in which their Petition was involved. This indulgence they have made use of, and in obedience to your lordships' order, they have endeavoured to explain themselves; but that explanation is, in my opinion, as general, and as obscure as the Petition which is thereby intended to be explained: Nay, in my opinion, the Petition, and the explanation, or answer to your lordships' last order, seem to be a little inconsistent; for in the Petition they complain of undue practices, and say, that they were ready to lay before us instances and proofs of those undue practices; yet when we desire them to give us some of the instances of those practices, and gave them all the time they could desire for that purpose, they give us no instance of any undue or illegal practices, they give us only some general surmises, and tell us they cannot be more particular without stating themselves as accusers or witnesses: so that their complaint is now as obscure as it was at first, and there is now less reason to believe that there ever were any such practices as they complain of.

Notwithstanding the obscurity of the petition, notwithstanding the inability of the petitioners to give us any instances of the illegal practices they complain of, yet, my Lords, the practices so obscurely hinted at, seem to me to be of such a dangerous nature, and to affect the honour of this House in such a tender point, that I should readily agree to the inquiring into them, if, from the very nature of the thing, there did not appear to me sufficient ground to believe that no such practices were ever made use of. For if it could be presumed that any such undue methods or illegal practices were made use of at the last Election, that presumption must arise from the characters and circumstances of the persons chosen, compared with the characters and circumstances of the unsuccessful candidates: If the sixteen noble lords chosen to represent the peerage of Scotland, or any of them, were persons of a bad character, persons of inferior families or fortunes, or persons of no merit, it might then be supposed, that some undue methods had been made use of, to get such persons returned as the representatives of the Peerage of Scotland in this House: but this is not the case at present; the noble peers who were chosen, and who, in consequence of that choice, have now seats in this House, are noblemen of as great families, and of as large properties as any in Scotland; and as to their personal characters and merit, there are none of them that have ever been in the least suspected of any disaffection to his Majesty's government or family, and the qualifications and merit of every one of them are so well known, that it is needless for me to enlarge upon them; nay, I will avoid it because they are present; for I very well know, that even the most just and the most elegant encomiums are offensive to the ears of persons of real merit, and that the more merit they have, the more offensive always will that praise be which is uttered in their presence.

Thus, my lords, as no presumption of any illegal practices having been committed, can be drawn from the nature of the case before us, and as the petitioners, notwithstanding the indulgence granted them, have not been able to give us any instance of such practices, nor even any surmises, but such as are so general, that they cannot give the least foundation for any accusation, much less can they give a foundation for your lordships to bring the character of any person in question; therefore I must conclude that no such practices were committed, and the necessary consequence of this must be, to dismiss the petition.

But farther, my lords, the petitioners do not even seem willing to comply with your lordships order; for though they could not, perhaps, have mentioned all the persons, that might, from the examination of witnesses, have appeared guilty of the practices they complain of, yet surely, if any such practices were made use of, some persons must be suspected at least, to have been guilty of them, and the petitioners must have heard who they were that were suspected to have been guilty; the names of those persons the petitioners might, and certainly would have given us, if they had intended to have complied with your lordships' order; and their not doing so, I must look on as a contempt of, or at least, an unwillingness to comply with your lordships' order the; natural consequence of which must in all cases be, to dismiss the petition of those who shew any such contempt or unwillingness. This the petitioners were sensible of, and therefore they, in the answer now before us, endeavour to excuse themselves, by saying, that they never intended to state themselves as accusers of any person whatever: upon

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which I must observe that if they do not intend to state themselves as accusers, I do not how we can state ourselves as judges; for we cannot certainly act the part both of accusers and judges; nor ought we, I think, in any affair, to act the part of grand jury and judge, which would really be the case in the present affair, if we should first examine witnesses towards finding out who are the persons guilty, and then sit as judges to try, and pass sentence upon the persons, against whom any suspicion of guilt shall, by such enquiry, be made appear. From all which, my Lords, I must think, that we neither can nor ought to proceed farther upon the petition before us; and unless your lordships have a mind to submit to have the orders of this House contemned, or at least explained in such a manner as petitioners shall think fit, I am sure you ought to dismiss it: therefore I must move your lordships to order, That the petition be dismissed.

To this it was answered in substance as follows:

My Lords; Against the motions formerly made in the affair before us, I spoke with surprise, but against that now made, I speak with concern: the present motion does not indeed surprise me, for it is what I expected, and what I easily perceived was intended by the motions already made: and as as they were agreed to by this House, I am now obliged to think they were right: but the affair in hand, the petition now before us, is a matter of so great consequence to the honour and dignity of this House, to the very being of our constitution, that it is with the deepest concern, it is with the deepest sorrow, I hear a motion made in this House for dismissing such a petition; and that upon no other foundation, but because the petitioners have complied with an order of this House in a particular, in which they have, I think, very evidently shewn it was impossible for them to comply: and my sorrow is still heightened by what I have observed in the debate; for every lord who has spoke upon one side in this affair, has made use of arguments to shew that it is improper or unnecessary, for this House to enter into any enquiry about the illegal practices complained of; so that if the motion now made be complied with, it is the last time I expect to hear any more of the affair now before us in this House; and therefore I hope your lordships will excuse me, if I repeat and endeavour to enforce some of the arguments made use of for shewing the necessity, as well as regularity, of making a strict enquiry into this affair, and to answer some of the objections started upon this occasion.

By the arguments made use of upon this occasion, it really seems to be the opinion of some lords, that this House ought never to enquire into any illegal practices, if by such enquiry an impeachment, or any other parliamentary proceeding, may become necessary for the punishment of private men, because we are not, it is said, to state ourselves both as accusers and judges, we are not to act the part both of grand jury and judge: But this argument, as it has no foundation either in law or the custom of parliament, will never, I hope, prevail. It is well known, my Lords, that by an enquiry, we neither state ourselves as accusers, or judges; we neither act the part of grand jury or judge; we act no part, but that of the guardians of the lives, the liberties, and the rights of our fellow subjects; and this part I hope this House will never refuse to act upon any occasion. If, upon any such enquiry, a prosecution becomes necessary, the custom has always been for some lord to stand up in his place, and impeach in form those who are suspected to be the guilty criminals, or otherwise we desire a conference with the other House, and at that conference we communicate to them what discoveries we have made by our enquiry; whereupon the other House becomes the accuser, they act the part of the grand jury, and then we assume the character of judges. This is the method of proceeding in parliament; and this method has been so often practised, and is so well known, that I am surprised to hear any such argument made use of, against an enquiry into the illegal practices now complained of.

As we may enquire into any sort of illegal practices, without stating ourselves as accusers or judges, so an enquiry may, in this House, as well as in the other, proceed from, or be founded upon common fame, upon the motion of any member when seconded, or upon the petition of the sufferer by such practices. I shall grant, my lords, that we are not to depend on, or to be directed by vulgar rumours or general clamours; because illegal practices are generally reported and loudly exclaimed against, we are not to conclude that they are certainly true; but I will say, my lords, that a general clamour is not

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only a foundation for an enquiry, but such a foundation as we are obliged, both in honour and duty, to lay hold on; and in that enquiry we ought first to examine strictly into the truth of the practices complained of, and punish severely the offenders, if the general report be found to be true; but if we find it to be entirely groundless, we ought then to enquire into the authors of it, in order to punish those who disturb the nation by such artful and groundless reports. General clamours ought never to be contemned, the people ought to be satisfied; it is one of the chief ends of our meeting in this House, and in such cases there is no way of satisfying the people, but by a strict enquiry, and a severe punishment upon the guilty; for guilty persons there must necessarily be, upon all such occasions, either of one side or the other.

That enquiries have been set up in this House upon a bare motion, is not to be controverted, because the enquiry already mentioned, in relation to the South Sea Company, had no foundation but a bare motion, which was indeed supported by a general clamour of unfair practices, but was without any particular suggestion of fraud: and by that enquiry, my lords, some very odd practices did appear; but the enquiry's ending as it did, was very far from proceeding from our having gone rashly into it, but from our not going so far as we ought to have gone; for we found the affair we had resolved to enquire into, so blended with the other affairs of that company, that there was no getting to the bottom of it, without a general search into all the affairs of that company from the year 1720 * this general search, your lordships must remember, was proposed, and if it had been agreed to, I am convinced that enquiry would not have ended so smoothly as it did. But that there was any thing more particular, either with respect to the thing to be enquired into, or the persons who might suffer by it in that enquiry, than in what is now proposed, I am surprised to hear; for as to the thing to be enquired into, it is very certain, that there was not one instance of fraud, or of any thing, so much as mentioned: the only thing proposed to be enquired into, was the disposal of a sum of money; and if the proposition now made had been only to enquire into the late election of peers for Scotland, without mentioning any illegal practices, it would have been in this respect no more general than that enquiry; but as it stands at present, it is certainly much more particular.

Then as to the persons, it is very certain, no man was in that case particularly named or particularly described; there were many others, who might have been concerned in the facts beside the directors; some of their superiors, some of those who direct the directors; one of the directors of the nation might perhaps have been found to have been concerned: and if any frauds had been discovered, it would very probably have been found, that some inferior persons, some of the servants of that company, had been likewise concerned; for directors seldom act without tools; and it would have as probably been found, that some of the directors were entirely innocent, unless this House had resolved to make another precedent of doing justice by the lump, which I hope we shall never again have any occasion for; so that there is not the least pretence to say, that the persons, who might appear to be guilty, were in that case any ways more particularly known than they are in the present: on the contrary, the persons guilty in the present case, if there are any, are much more particularly pointed at: In the present case, there could be no inferior persons concerned, they must be persons of some rank in the world; some of them must be persons who have a great deal more of his Majesty's ear than they deserve, and much more than this House ought to permit them to enjoy: it cannot be supposed that such mean persons, or such a number of persons were concerned in the illegal practices now complained of, as must have been supposed to have been concerned in the management and direction of the South Sea Company's affairs; and therefore it must be granted that the persons who may by an enquiry, be found to be guilty, are much more particularly pointed to in the present case, than they were in the other.

That parliamentary enquiries have been often founded on a Petition from the persons injured, will not, I am sure, be controverted. The enquiry into the South-Sea Company's affairs, after the famous year, 1720;* the late enquiries into the affairs of the Charitable Corporation,† and the York-Buildings Company, are so many recent testimonies of this custom: but, my Lords, was it ever before desired or insisted on, that the petitioners should give

* See Vol. 7, p. 783.

† See Vol. 8, p. 1077.

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particular instances of the frauds or illegal practices they complained of? Was it ever insisted on, that they should give the names of the particular persons they supposed to be guilty? No, my Lords, it never was; and shall the petitioners in the present case, because they are men of as high quality, and as much injured as any that ever presented a petition to parliament; because the injury they complain of, is of as high and as dangerous a nature, as any that was ever complained of to parliament; and because the practices they complain of, are as generally believed, and as much exclaimed against as ever any practices were in this or any other nation; shall they, I say, for these reasons be obliged to do more than was ever desired of any petitioners? Shall their Petition be rejected, unless they will subject themselves to the trouble, the expence and the danger, of becoming the actual accusers of those they suspect to be guilty?

What is at present meant by our own judgment, or our own opinion, I cannot comprehend; I hope every one of your lordships will vote in this affair as you do in every other, according to your own judgment, and not according to the judgment or direction of any other person, either without doors or within. What some lords may suppose to be necessary, towards forming a judgment of their own in the present case, I do not know; but I am very sure that in private life, if a gentleman should relate a fact, and say he had it from such authority as he could depend on, it would not be consistent with common decency to tell him, I can give no credit to what you relate; nay, I will not so much as be at the pains to enquire into the truth of it, unless you give me your authority. Consider, my Lords, what are the authorities to be given in the present case, and the only authorities that can be given. The noble lords, the petitioners, have told us, that they have certain information of undue and illegal practices made use of, towards engaging peers to vote for a list at the last election: the only authority they can give for this allegation, is the persons who told them so; and those are the very persons they desire to have examined at your lordships' bar: surely your lordships would not have them to give you that authority at present, you would not have them now to give you the names of their informers; that would indeed be a discovery of evidence, the most open that was ever made, and more open than was ever desired from any plaintiff in this world: this therefore is not surely what the noble lords would have towards assisting them to form a judgment of their own in the present case; and yet if this be not what they want, I really cannot comprehend what they would have.

In all cases, my Lords, where a parliamentary enquiry has been petitioned for, the members never had, nor ever desired any thing towards forming a judgment, whether the enquiry was necessary or no, but only the character and credit of the petitioners, and the nature of the case, as it was represented in the petition. In the present case, the character and credit of the petitioners, are as much to be depended on, as the character and credit of any that ever were petitioners in either House of Parliament; and what they relate is rendered still more probable, by the very nature of the thing, and by the experience of past elections, ever since the union. I have a great regard for the sixteen noble lords, who now represent the peerage of Scotland in this House; I know they are noblemen of great worth, and of as great families and properties as any in Scotland; but this is not the case in question; and if we look back upon all former elections in Scotland, we must think it very strange that the sixteen peers chosen, have always been of ministerial complexion, almost without exception; and if the complexion of any of them altered, during the continuance of the parliament, we have always found them left out at the next election; nay, upon all changes of ministers, we have found the election of peers in Scotland take a new and a general turn: this could not, in my opinion, have happened without something of a very extraordinary ministerial influence on that election; and this extraordinary influence cannot be obtained, without some undue methods and illegal practices: nay, it is natural to suppose, that if he is not a man of more virtue than ministers usually have; a minister will always make use of the power and the favours of the crown, which are at his disposal, to get such a set of peers returned from Scotland as he shall approve of; so that from the nature of the thing, as well as from past experience, we have all the reason in the world to believe there have been some illegal practices made use of at the last election; and, as the honour of this House, as well as the preservation of the constitution, is deeply concerned in preventing such practices,

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as such practices cannot be prevented by our ordinary courts of law, an enquiry into this affair is now, I think, become absolutely necessary.

As I have been surprized at many things I have heard in the course of our debates on this affair, so, my Lords, I am not a little surprised at hearing it still insisted on, that the petitioners have given us no instances of any illegal practices, nor any information but what we knew before. Could any of your lordships, could any man breathing, suppose, that men would have been so audacious as to make use of his Majesty's name to over-awe the election of the sixteen peers for Scotland? or that they would have dared to say, that his Majesty ever intermeddled in elections, or approved of one list, or of one candidate more than another? Is not this an instance of the most dangerous and the most criminal nature? threats of private malice or revenge might have been used, and even the making of such would have been a high misdemeanor; but in matters of election, to threaten royal resentment, is, in my opinion, high treason. Such a practice I cannot but speak of with awe, because of the great name that was used; but it is a practice I will speak of with indignation, because of the great name that was thereby abused: to make use of the King's name for supporting or recommending a list made up by ministers, was a most abominable and a most treasonable practice: his Majesty's name ought never to be mentioned in any thing, but what is as pure and as incorrupted as the gold on which his image is stampt; and to mix any brass, or any ministerial metal, with what bears the sacred name of Majesty, is certainly a most heinous crime: it is the most treasonable sort of false coining: the honour and dignity of this House call upon us for an enquiry; the preservation of the constitution, and the general voice of the people, call upon us for an enquiry; the whole peerage of Scotland, which has been so much injured, calls upon us for an enquiry: and this instance shews us, that, if we have a due respect for the honour and safety of the king, which all your lordships certainly have, we must immediately enter upon an enquiry.

If any undue influence was made use of upon an election, it was very natural, my Lords, to suppose that it chiefly consisted in bribery; but could any man suppose, that the offices and employments under the crown, or the munificence of the crown, which ought only to be the reward of virtue and public service, would have been made use of to corrupt voters at an election for Parliament? Or that the money, the estate of the crown, that which ought to be applied only to the support of the honour and dignity of the royal family, would have been converted to the destruction of the constitution? This is not only bribery, but the most treasonable, the most terrible sort of bribery. In this respect then, the petitioners have told us what we did not know, what none of us could suppose; and of this they have given us instances in as particular a manner as it was possible, without a discovery of evidence, or stating themselves as accusers of particular persons, neither of which was ever desired of those who petitioned for a parliamentary enquiry.

The grievance now complained of, my Lords, is far from being new or unexpected; even at the time of the Union it was apprehended, that the election of the sixteen peers for Scotland, would always be under the direction of the ministers for the time being: what has since happened has sufficiently shewn, that those apprehensions were not without foundation; and if this petition should be rejected, it may be expected, that the election of the sixteen peers for Scotland, will soon come to be like the election of our bishops; a Congé d'Elire will issue, and will as punctually be complied with, in the one case as in the other. But the condition of the peers for Scotland, will be much worse than that of the reverend bench; for the reverend lords the prelates, have their seats in this House for life, even the king cannot take that honour from them: whereas the peers for Scotland must always depend upon the ministers, for the continuance of their seats in this House, and will be stript of that honour as soon as the Parliament is dissolved, if they ever refuse to vote according to ministerial direction.

A parliamentary enquiry does not seem to me, my Lords, to be attended with any such grievous consequences as has been represented. It may, it is true, put some private gentlemen to some trouble and expence; but as the safety of their country is, in such enquiries, generally very much concerned, I am sure it is in this, therefore, that trouble and expence ought not, I am persuaded it will not be regarded: and as to the putting the nation in a ferment, I am sure in the present

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case, our going upon an enquiry will put the nation into no ferment; but our refusing to make any enquiry, will certainly put the whole nation, and particularly Scotland, into a very great ferment. We ought to consider, my Lords, the danger the whole nation was exposed to, by a most unjust rebellion raised in that country against his late Majesty; but if the Peerage of that country should find themselves oppressed by a minister, and should find that no justice should be expected from this House, it may raise another rebellion, or rather an insurrection, in that country; and as they would then have truth and justice of their side, it would naturally procure them the hearts of all the people of England, and, I am afraid, most of their hands.

If the petition now before us, my Lords, were a petition that regarded only the rights or privileges of the petitioners, their not having complied with your lordships' order, in the most full and ample manner, might perhaps be a reason for your dismissing the petition; but as it regards the honour and dignity of this House, as much as it does the rights and privileges of the petitioners, your lordships ought not, you cannot, I think, in honour dismiss the petition, on account of their not having complied fully and exactly with your order: on the contrary, you ought, in my opinion, to retain it, that it may serve as the ground-work of an enquiry; and though you cannot now have from the petitioners all the information you desire, you ought, in the carrying on of that enquiry, to take all the information and assistance they can and are willing to give you, with respect to the witnesses it may be proper to examine upon that enquiry. If, by this method, any illegal practices should be discovered; if, by their assistance, any great criminals should be brought to condign punishment, and thereby the honour and dignity of this House vindicated, and the independency of Parliament secured, they will highly deserve, not only your lordships' excuse, for their non-compliance with your last order, but your lordships' thanks for the service they have done to their country; and therefore I hope the noble lord will wave his motion, and let us proceed to the appointing a day to enquire into the illegal practices complained of, by the whole nation in general, as well as by the petitioners in particular.

The Reply was as follows:

According to the method we have lately fallen into, I am afraid, my Lords, we shall never be able to come to the end of any debate. If upon every new motion in any affair, Lords shall take the liberty to enter into former debates, to resume all the arguments they have, upon former motions, made use of, and find fault with those orders and resolutions, which have been not only agreed to, but agreed to by a great majority of this House, this will naturally provoke other lords to justify what they had before given their consent to; this may probably occasion a reply; and at this rate, we shall have the whole business of the session, perhaps, brought in and repeated in every new debate: I hope every one of your lordships will consider, what an endless, intricate labyrinth this may involve us in, and will therefore keep a little more close to the question in hand.

My Lords, in the present affair your lordships made an order, that the petitioners should lay before this House, in writing, instances of those undue methods and illegal practices upon which they intended to proceed, and the names of the persons they suspected to have been guilty of such undue methods and illegal practices; and for this purpose your lordships gave them such a sufficient time, that even they themselves have not found fault with it: this order they have not complied with, your lordships have already, by a great majority, resolved, that they have not complied with it; and is not the dismissing of their petition, a natural consequence of that disobedience in them, and of this resolution which your lordships have already agreed to? I shall not, my Lords, enter into a vindication of that order, or of that resolution, because I should thereby fall into that error, which I find fault with in others: but allow me to say, my Lords, that the petitioners might have told us who it was, or at least, who they suspected it was, that made use of the king's name for inducing any lord in Scotland to vote for a list; and they might have told us, who it was that promised or gave money, or other reward, for voting for a list, without telling us the names of the persons with whom such arguments were made use of; and this, I am persuaded, your lordships were fully convinced of, before you agreed to that resolution you have just now come to.

As the dismissing of the Petition is therefore a natural consequence of the

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resolution your lordships have agreed to, I cannot see, my Lords, why it should give any Lord in this House so great a concern; for though the practices complained of, are such as certainly do affect the honour and dignity of this House, and the independency of parliament, if there are any good grounds to suspect that such practices were actually made use of, your lordships may, notwithstanding your dismissing the Petition now before you, fall upon many ways of enquiring into those practices: I believe, I could myself propose a very proper method, for your lordships to enter upon such an enquiry, if I thought there was a necessity for any such. The consequence therefore of the practices complained of, or the necessity that there may be for enquiring into those practices, can be no argument against our dismissing the Petition, now before us; and in order to act consistently with the orders and resolutions we have already agreed to, we cannot, in my opinion, avoid dismissing it, for which reason I shall agree to the motion the noble lord has been pleased to make.

When the question was just going to be put,

The Earl of *Strafford* stood up, and spoke to this effect:

My Lords; The motion now before us, is so far from being a natural consequence of the resolution agreed to, that it is directly contrary to the usual method of proceeding in this House, and in all the courts of justice in the world. In the whole course of this affair, your lordships have hitherto gone very much into the methods of Westminster-hall, and therefore I hope you will follow them throughout the whole of the affair now before you. In all the courts below, the first order they make in any case, is seldom or ever absolute and peremptory: if their first order is not complied with, they generally make a second, sometimes a third, which is called a peremptory order; but even with respect to the most peremptory order, if the party who is to comply with it, should make some sort of compliance, but by mistake should not comply with it so fully as he ought to do, surely the court would give him an indulgence, and would assign him a new day for rectifying that mistake, especially if he should shew to the court a plausible reason why it was not in his power to comply fully with their order.

This, my Lords, is the method of proceeding in all the courts below, and this is the constant method of proceeding in this House. I remember when this affair came first before us, some noble lords were mighty fond of making it a cause; and if we look upon it as a cause, the motion now before us is very far from being a natural consequence of the resolution agreed to. Do not we, my Lords, in all appeals, make an order for the respondent to put in his answer against such a day? But the order is never absolute and peremptory; if the respondent fails to comply with it, your lordships never proceed to hear the cause *ex parte;* you always make a new order for the respondent to put in his answer against such another day, which in that case is called a peremptory day; therefore if your lordships are not satisfied with the answer already given in by the petitioners, I hope the noble lord will wave the motion he has made, and agree to that I now make you, which is, To adjourn the consideration of this Petition to this day seven-night, and to order that the petitioners may, against that day, put in a further answer to your lordships' last order.

The Petition rejected.] But the former motion being insisted on, the question was put upon it, which on a division was agreed to, by 99 to 52, proxies included.

After which the Petition was, by the forms of proceeding in that House, of course rejected.

Protest thereon.] Upon the motion's being agreed to, for dismissing the Petition, the following Protest was entered uon the Journals of the House, viz.

" Dissentient. — Somerset, Tadcaster, Maynard.

1. " Because, though the lords petitioners have not literally complied with the order, according to the sense of the House, yet they have laid before us facts, that are of so criminal a nature in themselves, and so dangerous in their consequence to the nation in general, and to this House in particular, that we think a due regard to the safety of the one, and the honour of the other, required the strictest examination.

2. " For when we consider the first instance in the Answer of the lords petitioners, viz. ' That the list of sixteen ' peers for Scotland had been framed by ' persons in high trust under the crown,

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'long previous to the election itself, and 'that this list was shewn to peers as a list 'approved of by the crown, and was called 'the King's list:' We are filled with indignation, to see that great name indecently blended with the humour of ministers, and profaned and prostituted to the worst purposes; purposes that must necessarily tend to the subversion of our constitution, which we know it is his Majesty's glory and desire to preserve. Such a criminal attempt to screen, or facilitate a ministerial nomination, by the interposition (equally false and illegal) of his Majesty's name, calls, in our opinion, not only for the strictest enquiry, and the severest punishment upon the authors of the fact, if it be proved, or the asserters of it, if it be not; but is, in our opinion, no way to be dropt unexamined and unenquired into; such a precedent may, in future times, encourage the worst of ministers to load with his guilt the best of princes; the borrowed name of his sovereign may at once become his weapon and his shield, and the constitution owe its danger, and he his defence, to the abuse of his prince's name, after a long abuse of his power.

3. "Because the following instances, viz. 'That endeavours were used to engage peers to vote for this list, by promise 'of pension and offices, civil and military, 'to themselves and near relations, and by 'actual promise and offers of sums of 'money.

'That sums of money were actually 'given to or for the use of some peers, to 'engage them to concur in voting for this 'list.

'That annual pensions were promised 'to be paid to peers, if they concurred in 'the voting for this list; some of them to 'be on a regular establishment, and others 'to be paid without any establishment 'at all.

'That, about the time of this election, 'numbers of pensions, offices (of which 'several were nominal) and releases of 'debts owing to the crown, were granted 'to peers who concurred in voting for this 'list, and to their near relations,' seem in the highest degree to affect the honour and dignity of this House; since untainted streams can hardly be expected to flow from a corrupted source: and if the election of sixteen peers for Scotland, should ever, by the foul arts of corruption, dwindle into a ministerial nomination, instead of persons of the first rank, greatest merit, and most considerable property, we may expect, in future parliaments, to see such only returned who, owing their election to the nomination of the minister, may purchase the continuance of their precarious seats, by a fatal and unanimous submission to his dictates: such persons can never be impartial judges of his conduct, should it ever be brought in judgment before this great tribunal.

4. "Because the last instance mentioned, viz. 'That, on the day of the elec-'tion, a battalion of his Majesty's forces 'was drawn up in the Abbey Court at 'Edinburgh, and three companies of it 'were marched from Leith (a place of one 'mile's distance) to join the rest of the 'battalion, and kept under arms from nine 'in the morning till nine at night, when 'the election was ended; contrary to 'custom at elections, and without any 'cause or occasion, that your petitioners 'could foresee, other than the over-awing 'of the election,' we apprehend to be of the highest consequence both to our liberties in general, and the freedom of elections in particular; since, whatever may have been the pretence, whatever apprehensions of disorders or tumults may have been alledged in this case, may be equally alledged on future occasions; especially as we have a number of regular forces abundantly sufficient to answer such calls: and we apprehend, that the employment assigned to this battalion, will give great distrust and uneasiness to many of his Majesty's subjects, who will fear what use may be made of the rest of that very great number of men now kept up in this nation.

5. "Because we conceive, that such a treatment given to a petition that contained an information of matters of so great importance, and signed by peers of such rank, honour and veracity, must, in future times, discourage all informations of the like nature.

6. "Though all lords declared their design of examining into the bottom of these important facts, and though we should acknowledge ourselves to be persuaded that it was their real intention, we very much doubt whether the world will judge with the same candour, and not rather impute this dismission of the petition, to an unwillingness in this House to enquire into facts that are in their nature so injurious to the crown, so destructive of the honour of parliaments, and so dangerous to the whole frame of our happy constitution.——*(Signed)*, Scars-

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dale, Bruce, Bolton, Warrington, Bedford, Suffolk, Shaftesbury, Chesterfield, Craven, Coventry, Foley, Strafford, Abingdon, Boyle, Thanet, Berkshire, Aylesford, Gower, Huntingdon, Masham, Grahame, Litchfield, Beaufort, Denbigh, Cobham, Bridgwater, Anglesey, Bathurst, Haversham, Northampton, Macclesfield."

The Earl of Abingdon moves, "That the Protests of the Scots Peers made at the late Election be offered to the House."] The House having been silent for some little time after this division; at last

The Earl of *Abingdon* stood up, and said in substance, That the affair they had been upon, was a matter of such consequence, that he thought it ought not to be entirely dropt: that in their former debate, a noble lord, who was for dismissing the Petition, had told them, that though the Petition should be dismissed, he could put them in a way of enquiring into the illegal practices complained of; and therefore he hoped that noble lord would stand up, and propose some method for their entering upon an enquiry into that affair.

The Earl of *Ilay* stood up, and spoke to this effect:

My Lords; I believe the noble lord has misapprehended what I had said in the former debate; for I did not say, nor could mean to say, that I would put your lordships into a method of inquiring into all the illegal practices complained of, because I never did, nor do yet believe, that there ever were any such practices made use of, except as to the regiment, which is said to have been kept under arms during the time of the election; that I believe there may be some truth in. That, as I have said before, I wish your lordships would enquire into; and if you have a mind to enter into any such enquiry, I believe I may be able to contrive some proper method for that purpose; but as I have not yet turned much of my thoughts that way, I cannot say that I am just now prepared to offer any thing even upon that head to your lordships' consideration, nor do I think it absolutely necessary to be done this night. Then,

The Earl of *Abingdon* stood up again, and spoke in substance thus:

My Lords; Since the noble lord who spoke last, has declined to offer any method to your lordships' consideration, give me leave to offer something, which will naturally bring you into a method of making an enquiry into the affair you have had before you. I have, my lords, in my hand, a printed paper, a sort of a pamphlet, at least, I bought it at a pamphlet-shop, where it was publicly sold, and it is entitled "The Protests of a great number of noble Lords, entered by them at the last election of peers for Scotland;" whether or no there was any such protests, then entered, is what I cannot pretend to inform your lordships of; but if there were any such, it is incumbent upon your lordships, to enquire into the practices there complained of, and if no such protests were entered, it is an indignity offered to the peers of Scotland, whose names are pretended to be put to them; it is an indignity offered to the sixteen peers of Scotland now in this House, to publish any such forgery; therefore the publishers ought to be enquired into, and ought to be brought under the censure of this House; for which reason I desire, my lords, that this printed Paper, or Pamphlet, may be read.

The Earl of *Scarborough* said, he thought it was something very extraordinary, to desire a pamphlet to be read at their lordships' table: It was at all times below the dignity of that House, to have a pamphlet read at their table; but to desire any such thing when it was so late, was still more improper; therefore he hoped their lordships would adjourn.

The Earl of *Abingdon* stood up again, and spoke thus:

My Lords; It is so far from being below the dignity of this House, to have a pamphlet read at your table, that it is not only an usual practice, but it is a right that every lord has, and may insist on. It is a common practice, my Lords, when any lord of this House thinks, that his own honour, the honour of this House, or the honour of any peer of Great Britain is reflected on, by any pamphlet that has been published, to make his complaint to the House, and he has a right to have what he complains of, read at your table. Upon such occasions I know it is usual, to point out the particular paragraphs, or sentences, in the pamphlet complained of, and to desire that they only may be read at the table; but in the pamphlet I now complain of, every paragraph is worthy of your lordships' consideration, and as it is but

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short, as it will take up but a very few minutes of your lordships' time, I desire the whole may be read."

The Earl of *Aylesford* spoke next in favour of the motion; but several other Lords still insisting, that a pamphlet ought not to be read at that table,

The Lord *Bathurst* stood up, and spoke thus:

My Lords; Since your lordships do not seem inclined to have a printed paper read at your table, I shall offer you one in writing. I can inform your lordships, that such Protests as are mentioned in that printed paper or pamphlet, which has been dispersed over the whole kingdom, were actually entered upon the Journal of the last election of peers for Scotland, and were signed by a great number of the peers of that kingdom; of those protests, I have now in my hand an authentic copy, a copy taken from the Register or Journal of that election, signed by the two principal clerks, and witnessed by two gentlemen, who are now attending in the lobby, and ready to declare upon oath, at your lordships' bar, that they collated it with the Journal, and that it is a true copy: the reading of this at your lordships' table, I hope, you will not think below the dignity of this House; and as I think it inconsistent with the honour of this House to adjourn, notwithstanding its being so late, without making some step towards enquiring into an affair, which so much concerns the preservation of our constitution, and which has made so much noise over the whole kingdom; therefore, I hope you will immediately proceed to take into your consideration what I now offer, or appoint a short day for that purpose.

Motion to adjourn carried.] Upon the issue of the debate, it was moved to adjourn, and the motion being insisted on, the question was put, which was carried in the affirmative, by 73 to 39.*

Protest thereon.] Whereupon the following Protest was entered upon the journal, viz.

"Dissentient'

"Because we can by no means think it consistent with the honour of the House to adjourn, without appointing a day (as was proposed) to consider of a matter, allowed universally to be of the highest importance: And we have reason to apprehend, that posterity, upon the perusal of the Journal of this day, may be induced to think, that this House was not inclined to permit the transactions of the late election in Scotland to be brought under examination, in any shape whatsoever; the method proposed being, as we conceive, clear of all the objections which were made, in relation to the petition.——*(Signed,)* Scarsdale, Bruce, Bolton, Warrington, Bedford, Suffolk, Strafford, Abingdon, Boyle, Thanet, Shaftesbury, Berkshire, Aylesford, Gower, Litchfield, Beaufort, Denbigh, Cobham, Bridgwater, Anglesey, Bathurst, Haversham, Chesterfield, Huntingdon, Craven, Masham, Northampton, Coventry, Grahame, Macclesfield, Foley, Maynard."

Debate in the Commons concerning the Vote of Credit passed last Session.] Feb. 13. Mr. Sandys moved, That an humble Address be presented to his Majesty, that he would give directions to the proper officer to lay before the House an Account of the Expences incurred, in consequence of the Vote of Credit passed at the end of the last session of Parliament.

But this motion was opposed by Mr. Horatio Walpole, Mr. Henry Pelham, sir William Yonge, colonel Bladen, Mr. Winnington, and Mr. Danvers, who alledged, That the House had then before them what was proposed to be desired by the Address moved for; for in one Account they had the whole of the expences that had been incurred by any Addition made to the Sea-Service, in consequence of that Vote of Credit; in another they had an

* "Thus ended, to the honour of the administration, an affair that had greatly engrossed the attention of the public. To treat it with candour, it must be acknowledged, that both before and after the Union, many of the Scotch peers were extremely indigent, and many of them subsisted upon the bounty of the crown. This, though improper to be judicially owned, was easily understood to be the case by every lord in the House; but neither the minister nor his friends had made any stretches of munificence, other than had been common under the administration of the lords petitioners, when their party had the direction of affairs in Scotland. It is certain some of the noble petitioners had been too sanguine in their expectations, and had taken into a less honourable dependence than that upon the crown, some of their brother peers, who were to serve as evidences in support of their petition." Tindal.

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account of the whole expences that had been incurred by any addition made to the land-service; and in a third they had an account of what had been incurred on occasion of the treaty lately concluded with Denmark: besides all which, they had an account of what monies had been issued from the Treasury, for all or either of these services in pursuance of a clause in an act of parliament, passed last session, for enabling his Majesty to apply any part of the money granted for the service of last year, towards the expence of making such augmentations of his forces by sea or land, or of concerting such other measures as he should judge necessary for the safety of this nation: That from these accounts any man might easily see what expences had been incurred, in consequence of that Vote of Credit; for that as to the Sea-Service, whatever appeared from that account to have been incurred, over and above what was granted by last Parliament, for maintaining the 20,000 seamen then voted for last year's service, must appear to be an additional expence, incurred in consequence of that Vote of Credit; and as to the land-service, whatever appeared from the account then before them, relating to that service, to have been incurred over and above what was granted by last Parliament, for the 17,704 land-forces then voted to be kept up in Great Britain, Guernsey and Jersey, for last year, must be an additional expence incurred, in consequence of that Vote of Credit; and as to what had been incurred on occasion of the late treaty with Denmark, it was certain the whole was to be placed to the account of Expences incurred, in consequence of that confidence, which was so reasonably vested in his Majesty in the last session of Parliament. So that they could not possibly expect any farther or new accounts by the Address proposed; and the presenting of such an Address would, in their opinion, shew a want of respect to his Majesty, and a sort of jealousy and diffidence in what he had already ordered to be laid before them.

Hereupon Mr. Sandys proposed an Amendment to his motion, by adding thereto the following words, viz, "Over and above those, of which Accounts have already been laid before this House;" and was supported by Mr. Pulteney and sir William Wyndham: but the members who opposed the motion as first proposed by Mr. Sandys, objected likewise to the amendment offered: That it was not to be supposed that any other expences had been incurred, than those contained in the accounts then before them: that they could assure gentlemen, that no money had been issued from the treasury, by virtue of the clause they had mentioned, but what was stated in the accounts already laid before the House; nor had any expences been incurred but what were contained in the three accounts relating to the sea-service, the land-service, and the late treaty with Denmark: that the presenting of such an address was really in some manner provoking the crown to make farther demands upon them: and that if what was then proposed should come to be a precedent, it would become necessary for the crown to add a certificate to every account to be given in hereafter to Parliament, certifying, "That these are all the expences that have been incurred," or some such words to that purpose, which they thought would look a little absurd: that therefore they could not agree to the amendment, but when it was disagreed to, as they hoped it would, they would propose that the following words should be added, by way of amendment to the motion, viz. "Notwithstanding that full accounts of all expences, that had been incurred, had been already laid before that House:" that this was the most natural amendment that could be made to the motion, because, by the addition of these words, it would appear in its proper and true light, and in that light they were persuaded the House would not agree to it.

To this it was answered by the Members who were for the motion, That they could not but think that the motion, as it stood at first, was a very proper motion, because it would be much better and more distinct to have all these expences fairly and fully stated in one account, than to have them dispersed in several accounts, and confounded with a great many other articles; that this method of stating those expences would be attended with this advantage, that it would clearly shew to gentlemen, how sparing his Majesty had been in making use of that unlimited credit given him the last session, which would be a great inducement to that House to renew that Credit, whenever his Majesty should please to demand it: this they thought the honourable gentlemen would have obstructed, because it might perhaps be of great advantage to them upon some future occasion; but as those gentlemen did not

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seem to like that way of stating the account, therefore they were willing to make the amendment proposed to their motion, in order to prevent a negative's being put upon a question of such moment; that they hoped no expences had been incurred in consequence of that Vote of Credit, but what appeared upon the several accounts then before them; but it would be a great satisfaction to the House, to have a direct answer upon that subject from the crown; for though they were persuaded that the gentlemen, who had taken upon them to assure the House that no other expences had been incurred, or money issued, but what were contained in these accounts, really believed it to be as they had declared; yet in such cases that House was not to take an answer from any member, for were he the greatest subject in the nation, his word or his declaration was no parliamentary satisfaction, nor could it be taken as such: that with respect to the certificate mentioned, it was in the present case so far from being absurd, that it was absolutely necessary; when certain sums were granted by parliament, and those sums appropriated by parliament to certain uses, such a certificate would, it was true, be quite unnecessary, it would be ridiculous to insist upon any such; but when an unlimited credit had been granted by parliament, and that credit unlimited likewise as to the uses it was to be applied to, it was absolutely necessary to have a certificate in the manner mentioned by the honourable gentlemen, certifying that such sums, and no more, had been taken up on that vote of credit; and that the sums so taken up had been applied to such uses, and none other: for, without such a certificate, it would be impossible for that House to know how the accounts of the nation stood; they could not know but every succeeding year might bring a new demand, to provide for some expence incurred, or some debt contracted, in consequence of the unlimited credit they had formerly given: That therefore it was incumbent upon them, as members of that House, to demand such a certificate; they were bound in honour, and in duty to their constituents, to insist upon having such a certificate, and such a certificate could not be had any other way than by presenting the Address proposed: That as to the amendment intended to be added by the worthy gentlemen, in order to make their question appear ridiculous upon the Journals of that House, it did not at all deter them from insisting upon their question, nor from insisting upon the amendment they had proposed: That they had no cause to suspect, that that House would agree to the amendment intended by the worthy gentleman; but if they had, it would give them no pain; for whatever that House might do, the world without doors would judge rightly, and would fix the ridicule where it properly belonged: That they would, upon that occasion, put the gentleman in mind of what appeared upon their journals: They remembered a certain great man was, in a former parliament, accused of some very high crimes, and a question was actually moved and seconded in that House for a resolution in these terms, "That it appears to this House, that such a great man [naming him] had been guilty of several heinous and fraudulent practices, &c." That this was the question as first moved; but the friends of that great man, in order to defeat the question by rendering it ridiculous, proposed that the words, "it appears to this House," should by way of amendment be left out of the question: that upon a division this amendment was approved of by a corrupt majority, and that the question so made ridiculous by the amendment, stood to that day upon their Journals, as the worthy gentlemen might see if they pleased; but that the thus rendering the question ridiculous, was far from rendering ridiculous those who at first had proposed it: on the contrary, the ridicule fell upon those, who made the question ridiculous by their amendment; and accordingly at the elections for the very next parliament, most of them were neglected by their country, and justly refused the honour of continuing any longer the representatives of the people in that House.

The question being at last put upon the Amendment, it was carried in the negative, by 167 to 109.

Debate in the Commons on the Number of the Land Forces.] Feb. 14. The House being in a grand committee on the supply, Mr. Andrews moved, That the number of effective men, to be provided for guards and garrisons in Great Britain, Guernsey and Jersey for the year 1735, be 25,744, including 1815 invalids, and 555 men for the service of the Highlands. Mr. Andrews's motion was supported by Sir William Yonge, Col. Bladen, Mr. Winnington, Mr. Horatio Walpole, and sir Robert Walpole, as follows:

Sir; Though we are not as yet any way

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engaged in the present war, yet such events may happen, as may make it absolutely necessary for us to engage of one side or the other. The affair of Poland, which is the only motive, the only bone of contention hitherto publicly avowed, is an affair this nation has very little to do with, but if that should appear not to be the real motive, or if success should encourage either side to extend their views, the balance of power may at last be brought into real danger; and then, for the sake of preserving the liberties of Europe, upon which the liberties of this nation will always depend, we must take a principal share in the war. This danger may not perhaps be so remote as some people imagine; which has made his Majesty become a mediator for reconciling the contending powers, before conquests of either side shall take away all hopes of success in that way; and his Majesty has already pushed his negociations with so much vigour, that a plan of peace will soon be offered; a plan so well adapted to the honour and interest of all parties concerned, that whoever refuses it will thereby shew, that their secret views are more extensive than they have hitherto been declared.

From hence, Sir, I must conclude, that we shall be very soon able to determine, whether we must engage in the war or not; if that plan be accepted, then we shall attain our ends; the peace of Europe will be restored, the balance of power will be preserved, without our engaging in the war, without subjecting this nation to any inconvenience, or to any expence; but if reasonable terms should be haughtily rejected by either side, we must then necessarily take a share in the war. It is therefore very much our interest at present, to take every measure that may contribute towards rendering his Majesty's endeavours successful; that may contribute towards inducing, or even compelling, every one of the contending powers to accept of that plan, which his Majesty, in conjunction with his allies, is to offer to them: And, in my opinion, nothing can contribute more towards these great ends, than our having such a standing regular force, as may convince all parties that we are in earnest, and that we have it in our power to alter the scale whenever we have a mind. For this reason I can hardly imagine, that any gentleman in this House will oppose the small augmentation of our land-forces now proposed, when he considers how many millions we may be obliged to expend, if, by refusing such a seasonable expence, we should at last make it necessary to involve ourselves in a heavy war.

The prosperity of this nation, Sir, at least our security, depends upon the tranquillity of our neighbours: while they are at peace, they will always consume more of our manufactures than when they are involved in blood and confusion; and consequently we shall always, in times of peace, have a greater demand for the manufactures of our country than in time of war. Besides, while they continue at peace, the balance of power can be in no danger, but the events of war no nation can depend on; and therefore this nation among the rest, may be deeply affected by the extraordinary success of any one power in Europe. Let us not therefore grudge a small expence, when it may evidently contribute towards restoring peace among our neighbours, upon which our own prosperity and security does and always must depend.

Our house is not as yet on fire, but our neighbour's is all in a flame; and then certainly it is time for us to prepare the engines necessary for preserving our own: these are a powerful fleet and a sufficient body of regular well disciplined troops, ready to march at the first word of command. This, Sir, will give weight to his Majesty's negociations, it will make all the parties concerned give a due attention to what may be proposed, by his Majesty's ministers, for restoring the peace of Europe: for a minister, whose equipage consists of a large body of good troops, will always be better hearkened to, than one whose equipage consists only of a great number of fine pages and useless footmen.

By agreeing to the augmentation proposed, we may expect, Sir, that the parties now at war will be prevented from forming any ambitious views, either against this nation or against the balance of power; and if any such views have already been formed, the projectors will find themselves under a necessity of laying them aside; by which means we shall be able to restore the peace of Europe, and establish the future security of this nation, without exposing ourselves to the inconveniences, the misfortunes and the doubtful events of war. From a contrary behaviour, let us consider what we are to expect: will not France and her Allies from thence conclude, that they may go on and conquer; that they may place upon the imperial throne

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a prince of the house of Bourbon; and that England is not now, as formerly, apprehensive of the growing power of France, or concerned about the preservation of a balance of power in Europe. These are conclusions which, I am sure, no Englishman ought to give them an opportunity to make; for the continuance of the war is a certain consequence of such conclusions, and if it should continue, we must engage in it, or we, as well as the rest of Europe, must submit to be slaves to the conqueror. Thus the danger of not agreeing to what is proposed, is infinitely great; but in agreeing to it there is no danger, and the expence is inconsiderable: if it procures a re-establishment of the public tranquillity the usefulness of it must be acknowledged by all; but if it should fail of the effect desired, it will enable us to join speedily and with vigour in the war.

To me, Sir, it is evident, that the small expence, now proposed, may prevent an infinite expence and an infinite danger; and therefore I must think we are at present something in the case of a gentleman, suppose in the Isle of Ely, whose estate is in great danger of being overflowed by the decay of, or some breach in, those dykes and mounds which were made to prevent inundations: in such a case, suppose the gentleman's stewards and managers should come to him, and tell him of his danger, and that the dykes might then be repaired for a small expence, but that one flood or two might make such a breach as would cost him near the value of his estate to repair: would not that gentleman be very much in the wrong, would he not be mad, not to hearken to such representations, and put himself to a small immediate charge, in order to prevent the entire ruin of his estate?

Our present case, Sir, is the very same; one successful campaign, two or three complete victories, would make such a breach in those barriers, by which the liberties of Europe are preserved, as would cost an infinite treasure and a vast effusion of blood before it could be made up. This is a danger apparent from the circumstances publicly known: but there may be particular private transactions concerted, or now carrying on, which would demonstrate the necessity of what is now proposed: these his Majesty may probably have discovered; and from the experience we have of his Majesty's great regard for the ease of his people, we may, I think, conclude, that he would not have proposed to have made any augmentation of his land-forces, or to have put his subjects to any additional charge, without an evident necessity for so doing: I hope therefore gentlemen will depend upon his Majesty's wisdom and conduct in an affair, which is of such a nature, as may render it impossible for his Majesty to lay his particular reasons before this House, without running the risk of disappointing all the measures he has concerted for defeating any ambitious projects that may have been formed; and for restoring the peace of Europe, and thereby preventing this nation's being obliged to engage in the war.

Mr. Andrews's Motion was warmly opposed by lord Morpeth, Mr. Gibbon, lord Noel Somerset, sir John Barnard, sir Joseph Jekyll, sir William Wyndham, Mr. Pulteney, and several other members, who gave the following Reasons against it:

Sir; I wish every gentleman would be more cautious of bringing his Majesty's name into every debate in this House. I am persuaded, no gentleman in this House doubts of his Majesty's sincere regard for the ease of his people, or of his wisdom and conduct in all matters which are honestly and fairly laid before him: these are questions which can never be properly brought before us. Upon this occasion, as well as all other occasions of the same nature, it is not his Majesty's regard for the ease of his people, but the regard his ministers have for the ease of the people, that we are to consider; it is their wisdom and conduct that are now under our consideration: and, in my opinion, this House has no great reason to depend much upon either. I am sure the generality of the nation have no great confidence in either; and therefore, if we speak the language of our constituents, which I hope will always be the language of this House, we cannot depend so much upon their wisdom and conduct, as to load the people with any additional expence, for no other reason but only because the minister has told us it is necessary. This is a method of proceeding, which no man ought to agree to in any case; but especially in a case which is of the most dangerous consequence to the liberties of our country.

The honourable gentlemen, Sir, were very much in the right to argue from general circumstances, and such as are publicly known; for particular care has been taken that we should not have any thing else to argue from: but if we argue only from such circumstances, we must con-

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clude, that we are neither concerned in the war, nor can be concerned in the event. If we have nothing to do with Poland, if we are no way engaged to protect the emperor's dominions in Italy, surely we have no concern in the war; and as to the event, France has declared they will not pretend to keep any of the conquests they make: they have declared, they have no intention to make any conquests or to extend their dominions, but that their only aim is to establish Stanislaus upon the throne of Poland; and the other two allies have declared, that they have no other view but to establish and preserve the neutrality of Italy: these are the only circumstances publicly known; and from these neither this nation, nor the balance of power, can be in any danger.

What particular reasons we may have not to trust to those declarations, I shall not pretend to determine; but all the other princes and states of Europe, not already engaged in the war, seem to put their trust in them, because none of them have as yet made any preparations. Nay, even the princes of Germany seem to think their country in no danger, for some of the chief of them still continue neutral; and those who have joined in the declaration of war, have great numbers of troops unemployed, which certainly would be all sent to the Rhine, if they thought their country were in any real danger, or that France had a design to impose an emperor upon them. While they remain so secure, while they give themselves so little concern about the event of the war, why we should be so terribly frightened, why we should imagine that France has a design to conquer Germany, and to place one of the house of Bourbon upon the imperial throne, I cannot comprehend: I am sure no such intention can be presumed from any circumstance yet publicly known; and I hope we do not think that either Spain or Sardinia has a mind to conquer Germany, or that France would allow them, if either or both were able to accomplish such a design. From public circumstances, therefore, I can see no reason we have now, or indeed ever had, to put ourselves to any charge, or to make any preparations; and if there be any private reasons, they must be such as concern us in particular, because, if they related to Europe in general, the other courts of Europe, particularly the Dutch, would certainly have discovered them as well as we; nay, if they had not, it would have been the duty of our ministers to have discovered them, not only to the Dutch, but to all the princes of Europe; for whatever danger there might be in discovering them to this House, there could not surely be any danger in discovering them to those courts, which have as deep a concern as we have in the preservation of the liberties of Europe.

As no part of our late transactions has ever been laid before this House, as all such lights have been denied us, I do not know, Sir, but there may be private reasons for our being particularly concerned in the event of the present war; if there are any such, they must proceed from some of our late transactions; and in that case, those transactions ought to have been laid before this House at the very beginning of the war, that we might from them have seen our danger, and might have provided for our safety in time. But to insinuate, that either of the parties now engaged in war may have ambitious views against the liberties of Europe, is an insinuation that is contradicted by the behaviour of all the princes and states of Europe not already engaged in the war; and therefore cannot, in my opinion, have any weight.

We are next told, Sir, that though neither party at present have any ambitious views, yet they may form such views, and in order to prevent their forming any such, we must make great preparations; that this will shew them we are in earnest, and will make them give ear to the reasonable plan of peace which his Majesty, in conjunction with his allies, is to offer: whereas, if we make no such preparation, that France will conclude we have lost all apprehensions of the growing power of that kingdom, and that we have no concern for the preservation of the balance of power. For God's sake, Sir, can gentlemen be serious when they argue at this rate? Can France, or any power on earth, imagine that we will look tamely on, and see the liberties of Europe overturned; or can the addition of 7 or 8,000 men to our army add any thing to their dread of our power? They all know, and France in particular has reason to know, the strength and power of this nation, when wisely managed and prudently exerted; if therefore they form any ambitious views, if they reject the just terms of peace that are to be proposed by his Majesty, or if they despise the mediation that has been offered, it cannot proceed from any contempt they have of the real strength of

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this nation, but from a contempt of the councils by which that strength is to be exerted: this is a contempt which, I am afraid, they have already conceived; and if we should agree to the proposition now before us, without seeing reason for so doing, I am sure either the wisdom or integrity of this House will suffer considerably, in the opinion of the world both abroad and at home.

Another terrible thing we are this day taught to apprehend, is, that success may inspire one of the parties engaged in war, with an ambitious view of overturning the balance of power: that two or three complete victories may make it absolutely necessary for us to engage immediately in the war; and that therefore we ought to prepare in time, that we may be ready to fly to the relief of the unfortunate, before they are quite overwhelmed: upon this, Sir, I shall only ask if any gentleman in this House can imagine, that Germany, Poland and Muscovy, for I think I may now say they are united, can be conquered in one campaign; or supposing the other to be the unfortunate side, can they imagine that France, Spain and Italy can be conquered in one campaign? If any gentleman can imagine such a thing, with him I shall not pretend to argue; but with those who cannot, which I believe are the majority of this House, I think I may contend that neither side can in one campaign be reduced so low, but that the united force of Great Britain, Holland, Denmark, and Sweden, thrown in early the next campaign, will be sufficient for their relief, and for obliging the proudest conqueror to submit to reasonable terms; in which case we shall have the whole winter to prepare, and till then it is certainly quite unnecessary to put ourselves to any expence.

As this day seems to be a day of paradoxes, among the rest we have been told one with respect to our trade. We are told, Sir, that the prosperity of this nation depends upon the tranquillity of our neighbours; and that in times of peace, there is always a greater demand for the manufactures and produce of this country, than in time of war. This, Sir, is so far from being a just maxim in trade, that the direct contrary is true. The chief part of the produce of this country consists in the necessaries, and not the luxuries of life; and consequently our neighbours will always consume as much of such sort of things in time of war as in time of peace: but the difference is, that when their heads are not distracted, nor their hands diverted, by any foreign or domestic war, they have time to apply themselves to tillage; they have time to apply themselves to manufactures of all kinds; they have leisure to think of and to improve all the arts of peace; and by so doing they furnish themselves at home with a great many of those necessaries which, in time of war, they are obliged to purchase of us. This is not only evident in theory, but is confirmed by experience; for our trade has suffered more by the domestic improvements made by our neighbours, during the last long tranquillity in Europe, than it has done by any other means; except the heavy duties we have laid upon ourselves, and the great trouble and many fees and perquisites we have subjected our merchants to, both in importing and exporting their goods and merchandize: these incumbrances will in time most certainly ruin every branch of our trade, if we do not take care to remove them speedily, by paying off those debts by which they have been occasioned. And as to our security it can never be disturbed by any broils among our neighbours, unless the balance of power should be brought into real danger, which our neighbours upon the continent would take better care of than they do, if we did not upon all occasions shew ourselves so mighty officious as to do it for them.

It is an easy matter, Sir, for any man, who has a quick invention and a strong imagination, to form imaginary dangers. In time of peace we are frightened with invasions, because our neighbours have their troops quartered upon their coasts, and have nothing else to do with them; and in time of war, because our neighbours have great armies in the field, though no power in Europe has any quarrel with us. In time of peace we must keep up a more numerous army than is consistent with the liberties of a free people, in order to prevent a war's breaking out; and in time of war we must add to that army, and put ourselves to great expence, in order to restore the public tranquillity, and preserve the balance of power, though no other nation in Europe appears to be in the least apprehensive of its being in danger. Thus, Sir, we are always in a fright, and, for what I know, our apprehensions may at last become so extravagant; that if Angria, the East-India Pirate, should fit out any greater number of grabs than usual, we must fit out a squadron and augment our

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land forces, for fear of his coming to make an invasion upon us. By this, Sir, I do not mean to insinuate that we are now in no danger; I do not know but we may: but whatever danger we may be in, I am very sure it does not appear from any circumstances yet publicly known, nor from any thing that hath as yet been communicated to this House; and therefore I cannot agree to load the people with any new charge. If the danger is such as cannot be immediately communicated, it must be such as cannot be immediately apprehended; and if we are only like to be in danger, we ought to follow the example of our wise neighbours the Dutch, in putting our people to no expence, and in reserving our whole strength to be vigorously exerted against those, whose future designs shall seem any way to threaten the safety of Europe.

We have been told, Sir, that the danger of not agreeing to what is proposed is infinitely great; but that in agreeing to it there is no danger; Sir, in my opinion, it is directly otherwise. It is certain, that the regard we are to expect from foreigners must always depend upon the esteem they have of the strength of the nation, and of the wisdom of those councils by which that strength is to be directed. The strength of the nation does not surely consist only in the troops we have on foot or the squadrons we have at sea, but upon the number of troops we are able to raise and maintain, and the squadrons we are able to put to sea.' Therefore it is certain that the adding 7 or 8,000 men to our land-forces, or to the squadrons we have already fitted out, can add nothing to the opinion foreigners have of our strength: but the putting ourselves to such needless expence when no man can say that we are in any real danger, will certainly give foreigners a very mean opinion of our councils. The armaments we have made can oblige neither of the sides engaged in war, but may probably give great offence, by which we may draw a war upon ourselves; our armaments may very probably unite several of the powers of Europe against us, while by the inaction of those armaments we may be deprived of every ally.

But, Sir, with regard to our domestic affairs, the danger is more apparent and much more terrible. The keeping up of a numerous standing army, in time of peace, is absolutely inconsistent with the liberties of this nation. The gentlemen, or at least some of them, who supported this motion, talk of an army of 18,000 men as always necessary to be kept up within this island. This, Sir, is the true secret of this day's motion; those gentlemen know that when peace is restored, the nation will insist upon a reduction's being made, therefore think they, let us now increase the army, that when peace is restored we may stop the mouths of the disaffected, (as they call them) by making a reduction of the troops we are now to add: and thus, Sir, we shall have a standing army of 18,000 men saddled upon us for ever. As I am of opinion that an army of 18,000 men is at least 10,000 more than we ought to have in time of peace; as I am of opinion that such a numerous army can be necessary for no end, but that of enabling a minister to trample upon the liberties of his country; therefore I think the motion ought to be rejected with disdain.

As for ministers, they must not expect regard and esteem from their equipage, but from the wisdom and address of their negotiations; for a minister with a blundering head, or one that is sent upon ridiculous errands, will make as sorry a figure with an equipage of regular troops, as an equipage of footmen: and I am afraid the ass's ears will appear much more conspicuous under a well-burnished head-piece, than ever they did under a well powdered peruke.

The other parallel, Sir, that has been drawn, is very much to the present purpose, if it had been properly related. We are in the very case of a gentleman, who is told by his steward and the workmen employed by that steward, that his estate is in great danger of being overflowed by the breach in those dykes and mounds, which, as they say, were made to prevent inundations. The gentleman is surprised at this, knowing that there were never any dykes or mounds made upon his estate for preventing inundations, but what were made by nature; and that his estate could not be overflowed without some artificial inlets made, or even windmills or fire-engines prepared and set up for that purpose. He answers, You really surprize me, I can hardly believe there is a possibility in what you relate; however, I'll go along with you and examine every part of my estate, and will then take such measures as may be proper for preventing the danger: upon this the steward and his workmen are in a fright, they know that the inlets were made or the windmills set up, either by themselves or by some of their master's neighbours, with their connivance; and there-

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fore they reply, O Lord, Sir! you must not examine into particulars, the breaches are of such a nature that if you but look upon them they will become irreparable; give us but a small sum of money, and an order for such of your tenants as we shall name, to attend and assist us, we can now easily make up the breach; but if you delay, or offer to examine into it, the reparation will cost you more than the value of your estate: if such a gentleman should comply blindly with such a demand, I am sure, Sir, it must be granted, that if he was not mad, he was very much under the management of his steward.

While the Dutch, and all the other states of Europe not yet engaged in the war, shew so little concern about it; while even the princes of Germany shew so little inclination to exert their whole strength upon the occasion; I cannot think the balance of power in any imminent danger: and if any danger threatens this nation in particular, in God's name let it be told; when we know what it is, or from whence it is to be apprehended, we may easily take such measures as may prevent it; but do not let us, under imaginary pretences of distant foreign dangers, subject our constitution to a real, an imminent domestic danger; for what will it avail us to preserve the liberties of Europe, if under that pretence we destroy our own?

To this it was replied by the same members who supported Mr. Andrews's Motion, as follows:

Sir; Whatever advantage we may draw from the tranquillity of others, it is certain, we must always draw great and many advantages from our own; and it is as certain, that let the designs of the parties engaged in war be at present what they will, we may be deeply concerned in its event. If either the present designs should be pushed too far, or new and ambitious designs encouraged and set up by success, we must necessarily at last be involved; and this is what we ought if possible to prevent. This I take to be the true and only design of the augmentation now proposed; it is so small that I cannot look upon it as designed to engage us in the war, but to prevent our being engaged; and for this reason, I think, we may the more easily agree to it.

Whether the balance of power be now in danger, or whether this nation in particular be now in danger, is not the question before us; but whether both may not be in danger by the event of the present war, and this I really think cannot be made a question. In such a case we are not to be directed by the behaviour of other states: at least, I am sure, the resolutions of this House ought as little to be regulated by the example of the Dutch, or of the princes of Germany, as they ought to be regulated by the advice of our own ministers. In the war which was commenced before the death of the late king William, I believe it will not be denied but that the balance of power was really in danger, and yet, for some time after it commenced, the Dutch seemed, to all public appearance, as quiet as they seem at present: the princes of Germany seemed as little concerned, nay, some of them actually engaged against the liberties of Europe, and of their country. Until we declared ourselves, no prince in Europe would venture to stir to the relief of the House of Austria; and therefore I must think, that the outward behaviour of all or any of the princes of Europe, can never be made use of as any argument in this debate. Besides, Sir, the other princes and states of Europe have no occasion to make any augmentation of their forces till they are just ready to take the field: they have, all of them, great bodies of land-forces in continual pay: there is hardly an electoral prince of Germany, but what maintains as great a number of land-forces as are now in this island; and yet, I hope, it will not be said, but that if we were to engage, we not only could, but ought to take the field with a much greater army than either of them can maintain: for which reason we are always under a necessity to begin to prepare much sooner than any of our neighbours.

We may talk what we will of the number of men in our country; and the numbers of ships in our harbours; but from such calculations the strength of a nation is not now to be computed. It is from the number of regular, well-disciplined troops, and from the number of men of war provided with experienced seamen, that the strength of a nation is always now computed: a number of regular well-disciplined troops is now become as necessary, either for offence or defence, as a well disciplined, well-armed militia was of old; and the regard a nation is to expect from its neighbours, depends now as much upon the former, as it depended of old upon the latter. It is true, regiments may be soon raised, regiments may be soon augment-

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ed, but a regiment newly raised must be exercised for many months, before it can expect to engage successfully against an old well-disciplined regiment; and even an old regiment newly augmented, cannot pretend to enter upon immediate action, it must have some time to discipline the new men that have been incorporated. This is the reason, Sir, and, in my opinion a convincing reason, why we should always begin to increase our land-forces, at least, some months before there may be a necessity for entering upon action: and by what is now proposed, the increase is to be made in the most proper, and the least expensive way; that is, by adding a number of private men to each company in the service, without raising any new regiments or companies, which could not so speedily be made fit for action, and would, by increasing the number of officers, be more expensive to the nation.

I am none of those, Sir, who imagine that Germany, Poland, and Moscovy, can be conquered in one campaign, and much less do I imagine that France, Spain, and Italy, can be conquered in one campaign. And yet I do verily believe, that a complete victory or two, gained in the beginning of a campaign, especially by that side which has hitherto had the best success, might be attended with such consequences, and might bring the unfortunate side so low, if they met with no relief or assistance before the beginning of the next campaign, that to recover the losses of that campaign and compel the conquerors to accept of reasonable terms, would most certainly cost this nation a vast expence of blood and treasure; even though we were immediately joined by Holland, Denmark, and Sweden, neither of whose assistance, even in such a critical conjuncture, we can pretend to depend upon with certainty. For upon such an occasion, some of them might expect to make an advantage by joining the victorious side; and if we should be obliged to engage singly, and without the assistance of either of the three powers I have mentioned, one unfortunate campaign might involve us in a tedious, an expensive, and even a doubtful war: whereas, if we put ourselves in such a condition as to be able to give immediate relief to the unfortunate side, or to engage immediately against that side whose views shall hereafter be discovered to be inconsistent with the safety of Europe, we may then easily cast the balance, and give law to the conquerors.

I shall admit, Sir, that France and her allies have made the declarations mentioned by the honourable gentleman; and I do not know but they may be sincere, but I am sure they are not to be trusted to: for even granting that these declarations are sincere, that they have really no other views but what they openly profess, yet we know that success may elate the minds of the conquerors, and may make them conceive new designs, which they could not at first have thought of. And against these we are to provide, as well as against any designs they may have at present which we have not yet discovered; for if France and her allies should over-run all Germany, establish Stanislaus upon the throne of Poland, and oblige the Czarina to submit to their terms, I am very far from thinking that either of them would abide by the declarations with which they began the war: I am sure, our constitution would be exposed to much greater danger, than it can be from the small addition now proposed to be made to our army.

This leads me, Sir, to consider that terrible, that imminent danger our liberties are exposed to, by keeping up a numerous standing army in time of peace; which is a danger that has been much exaggerated, upon this and many other occasions, by the gentlemen of the other side of the question. I could easily shew, that an army kept up from year to year, under the direction of parliament, and commanded by gentlemen of the best families, and some of them of as good estates as any in the kingdom, can never be dangerous either to our constitution or to our liberties, were it much more numerous than it is, or is now proposed to be; but the keeping up a standing army in time of peace is not the question under our consideration. Will gentlemen say, that when all Europe is in a flame, we ought not to begin to make preparations? Will they say, that we ought never to make any augmentation, or to prepare for war, till it is publicly declared? Can this, Sir, be a safe maxim for any nation?

I do not know, Sir, that any gentleman has in this debate declared, that 18,000 is the number of land-forces which must always be kept up in this nation, even in time of the profoundest tranquillity: however, it has been discovered, it seems, that this is the opinion of some gentlemen; and that the addition now moved for, is proposed for no other reason, but only that

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these gentlemen may have an opportunity of stopping the mouths of the disaffected, by reducing that additional number as soon as the public tranquillity is re-established. Sir, if no reason had been assigned for the addition proposed, there might have been some room for this presumption; but as other reasons have been assigned, as those reasons are apparent from the present circumstances of Europe, I cannot see how such a presumption can be made: but suppose this were really the design of some gentlemen in this House, will not every other gentleman be at liberty to oppose that design when the peace is restored? May not every gentleman, who shall then have the honour to be a member of this House, propose as great a reduction as he pleases? Is it not as easy to propose the reduction of 17,000 as 7,000? And when we are so happy as to have an opportunity to make a reduction, the question will then come properly to be argued, what number of land-forces is necessary to be kept up in this nation in time of peace? Upon that question, I hope as great a number will be reduced, without any regard to the addition now made, as the safety of the nation can admit of; for I shall join with the honourable gentlemen in opinion, that we ought never to keep up a greater number than is absolutely necessary for the safety of the nation, and the support of his Majesty's government; and whoever is against keeping up that number, shall always be looked on by me as a person disaffected to both.

Before I conclude, Sir, I must take notice that from this debate it appears to me, that the gentlemen employed in the administration of our affairs are always in the most ticklish situation. If they propose to make provisions against dangers, by which provisions the people must be put to an expence, they then are charged with raising imaginary dangers, in order from thence to take an opportunity to load the people with new taxes: and their misfortune is, that the more careful they have been in time past, the argument grows every day stronger against them; because people begin at last to believe, that the dangers which were never felt were imaginary, though in reality they were prevented only by the provisions that were made against them. However, many people may come at last to be confirmed in this erroneous opinion, by which the ministers may be at last refused those provisions that are actually necessary; and if, by such refusal, any signal misfortune should befal the nation, the ministers would be sure to be loaded with the blame of it, though they had done all that was in their power to warn us of the danger.

I cannot really comprehend, Sir, what sort of information it is that gentlemen want upon this occasion; would they have his Majesty send to tell us, that there is a bloody war carried on by France, Spain and Sardinia against the emperor? Surely they do not expect that his Majesty should send us a particular message, in order to acquaint us with a piece of news that is known to the whole world! Probably his Majesty has not yet discovered, whether any of the parties engaged in war have any farther views than what they publicly avow; this I say may not probably have been yet discovered, because no plan of an agreement has yet been offered to the parties concerned: or perhaps his Majesty has already discovered, that some of the parties concerned have some secret and ambitious views, which will oblige him to declare very soon against them. In the first case, his Majesty can give us no farther information than what he has already given; but suppose the last to be the case, ought his Majesty, either by message or otherwise, to disclose to us the secrets he has discovered, or the resolutions he has taken upon such discovery? Would not such a message be an open and a public declaration of war? And will any gentleman say, that it would be wise in his Majesty, or in those who have the honour to advise him, to make any such public declaration, before he has made all the necessary preparation, and is just ready to enter upon action? In short, let us put the case what way we will, it is impossible we can have, or ought to have, any farther information than what every gentleman without doors, as well as within, fully knows from the circumstances Europe is in at present. And as these are, in my opinion, more than sufficient for inducing every man, who regards the safety of his country, to agree to the augmentation now proposed, I shall very little regard what may be thought of the wisdom or the integrity of this House; for I am very sure, every man whose good opinion is worth desiring, will, from our agreeing to this question, be convinced of both.

Some Members, who agreed to the necessity of an augmentation of our forces, thought it more eligible to hire foreign troops than increase the number of our

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army at home. And in support of this proposal,

Mr. *John Howe* stood up and spoke as follows:

Sir; It is with great diffidence and confusion that I stand up to speak on this occasion. I think it one of more difficulty, a more critical conjuncture, than ever I knew under the consideration of this House. I cannot, Sir, but with the greatest reluctancy think of adding to the heavy burden my country already labours under; and yet it would be the greatest concern imaginable to me, if through an ill timed piece of good husbandry, I should suffer the nation to be involved in calamities, which some expences might have prevented. In this streight I could be glad to give no opinion; but yet must now offer such as occurs to me. Peace is the greatest advantage that can be desired by a free and trading nation; any expence which will contribute to continue that blessing to us, will be money well employed; and what is now proposed to us, I see in the light of a measure for peace: the increase of our forces in general appears to me, to be with an intention, not to make, but to prevent war. We are now in the rightest situation possible; we take on us the part of mediators, not of principals or parties in the war; may our good offices be effectual! All I can do to make them so, I am sure I wish: God send they may be so! But we must put ourselves into a condition to be a weight in which ever scale we may throw ourselves; for bare reasons, persuasives alone, will, I fear, have little effect. But if the stronger party is made sensible, that if it refuses to come into reasonable terms, it will not long continue the stronger party, our mediation will be more regarded; and a minister will be best hearkened to, whose equipages, instead of a great number of fine footmen, consists of a large body of good troops. I am therefore, Sir, free to declare for arming ourselves, convinced that an unarmed mediation must prove an unsuccessful one. But, Sir, as the shewing what a contrary measure would produce, does best illustrate things, let us consider what would be the natural effects of our declining to make any warlike preparations. Would it not be declaring to the French that they may go on and conquer? That they may place upon the imperial throne a prince of the house of Bourbon? That England is not now, as formerly, apprehensive of the increase of the power of France? This would certainly be the conclusion the French would naturally draw from our not arming: a conclusion no Englishman surely would give them an opportunity to make. Warlike preparations will, I hope, conduce to making peace, and if they fail of making peace, they will enable us to make war: the expence will neither way be lost. A noble lord was pleased to say, that the prosperity of this nation depended on the peace and tranquillity of our neighbours; I join with him in opinion; at least so far that it may be disturbed by their want of tranquillity. But surely then we ought not to repine at any expence to procure that peace and tranquillity to them, upon which our own prosperity is thought to depend. Some gentlemen seem to apprehend, that arming will engage us in war, without the Dutch; far from it; for if it should fail of its desired success, we are still at liberty to act as we think best: but upon that article I think it most proper to be silent at present. We may, as the country people express it, when the time comes, do like our neighbours. But now, Sir, as I have given my consent to the increase of forces in general, I must likewise declare, that for the method now proposed, of increasing them, by raising more national troops, I can by no means approve of it. After which it will be expected of me to say in what manner I would have them increased; for to oppose a measure, and propose no other in its place, is certainly very unjustifiable. On this occasion therefore I am not shy in declaring that the warlike preparation I mean, is by making contracts with foreign princes for their troops in case we call for them. To this method there is no objection but the unavoidable expence; and yet the expence of national troops is still greater. Even the disbanding of national troops does not free us from the expence of them; their half-pay remains; and it is remarkable, that half-pay officers though they hardly live, they never die. But other objections arise to national troops; the burden they are otherwise and the danger from them is likewise greater; not that I look on them as another noble lord does, as a standing army, for it is not to be supposed, that this can be the number to be kept up. That is not my objection; but I object to the increase of national forces, as a method in no circumstance so easy or safe, as the engaging foreign ones. Arming in general I think absolutely necessary;

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and were there no other method, I would consent to this. Our house indeed is not on fire, but our neighbour's is in a flame; I therefore approve the increasing of our forces in general, and only oppose the method now proposed of raising national ones, as there is a more easy and more convenient one of doing it, by engaging foreign troops.

Mr. *Lindsay* replied:

That by the augmentation proposed, it was not intended to add new officers, but only so many private men to each company; so that when peace was restored, the augmentation then made could be reduced, without leaving any charge upon the nation. That in a time of such public danger it was necessary to augment our forces within the kingdom, and therefore any small inconveniences that might from thence arise must be borne with. That by increasing our own troops no money was carried out of the kingdom: that it would add to the number of our trained soldiers, which, if any future danger should arise, would be an advantage to the nation. That by a man's becoming a soldier his labour and industry was not quite lost, for many of them were as industrious after listing as ever they had been before. That old and infirm soldiers must always of course be dismissed, and new recruits raised in their stead, though no augmentation were ever made.

Mr. *John Drummond*, in support of the motion for the augmentation, took notice of the number of forces the Dutch had on foot, and their disposition to act in concert with Great Britain.

Mr. *Robert Dundas* spoke against the augmentation, and mentioned the bad purposes for which the forces were employed, and instanced the drawing up of the regiment in the Abbey Close at Edinburgh, to over-awe the election of the Scots peers, or over-awe the elections of commoners; and to induce such places as were conceived to wish for troops, to vote for courtiers, or otherwise to have the troops removed from them.

Mr. *Duncan Forbes* (Lord Advocate for Scotland,) answered, That the drawing up the troops in the Abbey Close was an ordinary muster or exercise of arms; and the Abbey Close an ordinary place for such musters; and that there was great need of armed force in Scotland; without which the notorious inclination there to smuggling and cheating the revenue, and to mutiny and resist the execution of legal process, could not be quelled; and concluded with disapproving the proposal for hiring foreign troops. Hereupon

Mr. *James Erskine* stood up and said;

Sir; I am loth to take up the time of the House, now it is so late, but as the affair of the troops at the election of the sixteen Scots Peers has been misrepresented; and as I am fully acquainted with the truth of that transaction, I hope the House will indulge me.—I believe no member of this, or any other former parliament, has ever asserted that a standing army was consistent with our constitution, or even attempt to deny but it is dangerous to our rights and liberties. A standing-army has been kept up, it is true, from year to year, and sometimes augmented, by pretending the exigencies of the times; but such exigencies, that the same, or other such, may to the world's end be pretended: so that if the same mean and low spirit continues in Britain, a standing army is for ever to be the oppression of this once flourishing island. These arguments are indeed too general to be dwelt on, when the question is not, whether to have an army; but, whether to augment it? Since it seems granted on all sides, that we must have an army for this year; that Britain must for one year longer submit to that badge and great mean of slavery: but if it is so dangerous to have any, it is still more dangerous to add to it; and if exigencies required such an army as we had last year, yet it behoves us to see the exigencies, that required so large an addition as 8,000 more, before we ought to consent to it.—The pretext made use of is, that we and the Dutch are to be mediators between the contending powers of Europe, and that unarmed mediators cannot effectually mediate; yet the Dutch are to be unarmed, not only by sea, but are to add nothing to their land-forces, as was but now acknowledged: though the other day we were told, that as we should increase our fleet, the sea being our natural barrier; so would the Dutch augment their troops, their barrier being by land. But now we see that our neighbours are to share with us the honour and advantage of mediating, and we are to bear all the burden: yet it seems neither they nor we are indeed to be mediators; for his Majesty's speech says only, that his good offices, and the good offices of the States General, had been

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accepted of; and as some gentlemen had openly in the House denied that we were to be mediators, they explained the accepting of these good offices to be no more than barely to allow us to make proposals to the powers in war. And is this all the mighty matter for which our domestic army is to be augmented so greatly? If a strong army is necessary for this purpose, the augmentation is too little: but any augmentation in our present circumstances is not the way to make us to be regarded by the potentates at war. They know our case, that we are under vast debts, much whereof was contracted for no purpose, or for bad purposes: and to see us acting wisely and frugally, and to have money and credit as formerly, would give Britain the weight it formerly had; and they know that then we could raise troops at home, and hire abroad: but they would never believe us noticeable for having 25,000 or 26,000 men in our army at home, with not a farthing in our pockets. After all it seems hard to be believed that it is in earnest said we are to be mediators, or at all to interpose, or that we are any ways afraid of the consequences of the present war in Europe: for some years ago we were offered the mediation, and then refused it: no doubt to shew our modesty, and that we were not so vain as to take on us to offer laws to France, a nation superior to Britain, and whom then we obsequiously courted. And to say, we now dread the progress of the arms of the French and their confederates, one must be tempted to think but a pretext: for so wise men as administer the British affairs did certainly foresee it, and cannot be frighted at the consequences of their own actions; since all flowed from the introduction of Don Carlos into Italy, which was done by our own fleet. I am, in my own private opinion, so little persuaded of the wisdom of that expedition, that I hope the 30,000 seamen, voted the other day, are designed for a better purpose; yet it is better to make an idle, though expensive show of them at Spithead, then send them abroad to do mischief. And all this appears from our succeeding conduct; for it would be a high reflexion to suppose the intelligence of our ministry so bad, that they knew not of the alliance when forming betwixt France, Spain and Sardinia, and they could not but see the consequences of it. Yet they did nothing to stop that treaty; nor, when it was finished, to stop their powerful armies from entering Italy, where they have had so great success; and our trade to which country is now as precarious as our trade to Spain: they likewise must have foreseen the progress of the French arms on the Rhine; for who did not know, that the Emperor, having a great army in Italy, was over-powered by a greater; and that France, in the German War, having nothing to apprehend from Italy or Spain, as in former wars, could not but be an over-match for the Emperor on the Rhine? Therefore as all this has happened, having been foreseen and helped on by our own ministry, the fear said to arise from thence must be but an affected pretence, as well as the mediation which we had formerly refused, and now did not pretend, was offered to us: nay, if it was otherwise, yet this augmentation of our army is not the right way to make us considerable in the mediation, nor a good way to act for ourselves, since we are not like to be attacked this year.

I cannot helptaking notice of what was said by the gentleman who spoke last, relating to the use of troops in Scotland. I am sorry that such things should be said of that country, by a gentleman whom I regard so much, and whose worth and learning I am not a stranger to: I dare assert the law, and the execution of legal process, in Scotland has free course without the assistance of troops; I have heard of no remarkable instance of the interposition of troops in such cases; but when it was done illegally by those in power and office, to the oppression of the subjects, and overthrow of our liberties, and contrary to law; instances of which I can give, and I hope will in due time be adverted to, and meet with deserved rebuke. There are more instances of mutiny and tumult in England than in Scotland; and more running of goods in a few days on the Thames, than in all Scotland for a year. [Here he related the manner of drawing up the regiment in the Abbey-Close at the Election of the sixteen Peers.] For my part I know no good the army has done in Britain, but making roads through the mountains of the Scots highlands, which was performed by a handful.

Colonel *Handasyde* took up Mr. Erskine, as if what he had said about the regiment in the Abbey-Close had reflected on him, whose regiment it was; and endeavoured to shew that it was but an ordinary meeting there, and that nothing could be meant by it, since the regiment marched from town at Mr. Dundass's election: that he deserved thanks, and

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not blame, for his conduct by the gentlemen of that country; but that some wished there had been mobs and tumults, and from their disappointment proceeded their complaints.

Mr. Erskine rising up to reply,

Sir *James Campbell* stood up likewise, and endeavoured to shew the necessity of troops in the highlands; urging that they ought to be continued though the highlanders were at present, mostly well affected; and gave for instance the advantage of having troops in Scotland in the year 1715, when the rebellion was raised and carried on by the earl of Mar, brother to the honourable member who had spoke last against the motion.

Several members, resenting this expression as a reflection on Mr. Erskine, called out, 'to order:' hereupon

Mr. *Erskine* stood up again, and said, that when he last rose up to speak, it could not be to answer the member who had now spoke, for then he had said nothing; and that he might for the same reason pass by all that the worthy gentleman had spoke since. Here sir James Campbell got up again; but the House would not allow him to interrupt: then Mr. Erskine went on, and said, that the honourable gentleman, who spoke before, [meaning colonel Handasyde] could not, on the least reflection, imagine that any thing said was meant against him, who he had never, that he knew of, seen in his life till now; and that the colonel was not then in Scotland, and therefore could not be blamed for any thing done by his regiment: that he blamed not even his officers present, not doubting but they had orders: that this was not the time to argue that important matter and flagrant encroachment on the British liberties, which might come to be inquired into afterwards; yet the account he had given of it was just, notwithstanding the answer: that the regiment had been mustered, and in the field but a day or two before, and therefore the meeting on that day was not an ordinary one: that it could not be without a design, and a bad one too: that on such a day the three companies at Leith were marched to join those at Edinburgh, and kept altogether under arms during the election, and then marched back to Leith: and that other facts, equally or more gross, could in due time and season, be made appear to shew that it was done on a bad design: that their marching from Edinburgh at the election for the county, proves only they were not in the wrong at that time, though they were prodigiously wrong at the election of the peers: that the accusation of wishing for mobs and tumults was injurious, and as weak as unjust: that if it was meant against the majority, what could they gain by it? And still less could the minority reap any advantage from it, except to put themselves in the wrong, when they had no reason to hope they would meet with pardon and indulgence: that mutiny was the stale pretence of those, who wanted a handle to oppress by superior power: that by mobbing, the minority could only expect such ruin to themselves, as had befallen his kinsman by the rebellion, which an honourable member had, with so much discretion and justice, objected to him: that the objection was so entirely from the purpose, he would pass it by unanswered, as well as the rest of what that honourable gentleman had said, did not the high nature of it require him to speak to it: that he had suffered more by it than any man, except his deceased friend and relation, who was at the head of it: that his principle and conduct, with respect to the present establishment, ever since he entered on the world and business, had been uniform and firm in all times and situations, as every body knew, who knew him; and as the objector and his friends had often acknowledged: and if now his greatest enemies could bring an instance to the contrary, he consented to have it reckoned that he had always been a traitor: that, therefore, if the occasion of flinging out this at him, and the air with which it was done, had not looked so unfavourably, he must in justice to the gentleman who spoke it, have thought he intended to do him honour; by shewing his loyalty to have been so unconquerable, that his nearest relations, and with whom he had so great connection, could not shake or diminish it.

Mr. *Charles Areskine* stood up next, and said, That the Abbey and Parliament Close were so far distant, that the regiment drawn up in the former could not over-awe the election at the latter.

Then the question being put on the motion made by Mr. Andrews, it passed in the affirmative by 261 to 208.

Debate in the Commons on the Navy Estimates.] Feb. 24. Sir William Wyndham moved, That the Journal of the House of the 5th of December 1690, in the 2nd year of William and Mary, in re-

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lation to the Report from the Committee, to whom the consideration of the Estimates and Accounts relating to the Army, Navy and Treasury were referred, might be read; which was done accordingly. Then he moved for reading the Journal of November 9th, 1691, in the third year of the same reign, in relation to appointing a Committee to inspect the Estimate of the Navy for the year 1692, which having been also read,

Sir *William Wyndham* stood up again, and spoke as follows:

Mr. Speaker; When I reflect on the long peace this nation has enjoyed, I am surprised how small a part of our public debts has been paid off; but when I consider the vast sums that have been yearly raised, that the people have not been made quite free of any one tax which the preceding war brought upon them, nor any tax, except one only, in the least diminished; I cannot comprehend how it was possible, in every year of this long term of peace, to find pretences for putting the nation to such a vast expence: and I must think, if our parliaments, for these twenty years past, had followed the example laid down in the precedents now read to you, and had always appointed a select committee, to examine the estimates yearly laid before them, it would not have been possible to prevail with them to agree that such an expence was necessary.

This, Sir, I wish had been done by every parliament since the revolution; and as this is the first session of a new parliament, I hope we shall begin to follow that example which was shown by the first parliament after the revolution. I hope it will not be said, but that parliament had as good reason to put a confidence in the administration as this parliament has, or as any parliament had since that time; and yet we find that parliament, in their very first session, passing an act, and by ballot appointing commissioners, for taking and examining the account of all public money, and resolving that no person should be one of those commissioners, who had any office or profit, or was accountable to their majesties; and their care of the public money, in their second and third sessions, we may collect from the journals now read to us. For this reason I am convinced, that what I am now to propose cannot be thought shewing the least disrespect to his Majesty: It is only shewing that prudent care of the people's money, which we ought always to shew as their representatives, even though there were no particular reason for our being so careful.

But at present, Sir, we have a melancholy reason for resuming the ancient usage of parliament: It is well known that estimates have been every year laid before this House of all the expences, which were then supposed to be necessary for the ensuing year; and notwithstanding those estimates were much larger than were ever before usual, yet in every year ample provision has been made for the expences of the ensuing year conformable to the estimates laid before this House: This is known to almost every man, and every man that does know it must think it very odd, that in so small a number of years such a great debt should be contracted as is at present due upon account of our navy; but it must appear still more surprising when we consider, that in every session of parliament accounts have been laid before this House of the deficiencies of all former grants, and likewise of all services incurred and not provided for by parliament. If such accounts had been rightly considered, they would certainly have been made good, and the services, if found to have been necessarily incurred, would certainly have been provided for, out of the first and readiest of the grants made for the service of the next ensuing year.

This, Sir, is the only proper way of providing for all services incurred and not provided for in the former session of parliament: while this method is regularly pursued, the strength of the nation is not impaired by loading posterity with debts and mortgages; nor can the people be so easily prevailed on to submit to any unnecessary expence; and the facts being fresh in every man's memory, if any fraud be couched under any of the articles of the accounts given in, it may be easily discovered; but when the nation is thus secretly run in debt, the people being ignorant of their expence, cannot find fault with any of those extravagant measures which occasioned that expence: and when accounts are brought into this House in a heap, and after the transactions to which they relate are all forgotten, it is then impossible for gentlemen to discover the fallacies that may be practised in the manner of stating these accounts.

Upon such a slight view, Sir, as I have taken of the accounts now upon the table it is not possible for me to enter into the particular articles; but I cannot help tak-

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ing notice of one which to me appears very extraordinary. There is near 250,000*l.* charged not for the building of ships, but for the building of houses;* whether such houses were necessary I shall not now pretend to determine; but if they were, I think it is too large a sum for any administration to have expended, without a previous authority from parliament; and that I am sure was never asked for. What the present age may think of such a sum, I do not know, but I am sure our ancestors, even of the very last age, would have been extremely shy of loading the people with at least six-pence in the pound upon all the lands in Great-Britain, for building houses for the officers belonging to the admiralty; and I must think it a little extraordinary to see ministers, of their own heads, undertake to do that which even parliaments of old would scarce have undertaken to have done. It is true, parliaments have of late become very good natured, they have put great confidence in ministers, and have generally, I shall not say blindly, approved of all ministerial measures: This may perhaps have made ministers presume a little farther than they would otherwise have done; but I am very sure, that till very lately, no minister would have dared to have drawn the nation into such an expence without an authority from parliament for so doing.

This article would, I believe, Sir, have appeared a little extraordinary, in the most flourishing circumstances that ever this nation was in; but when the people are groaning under heavy taxes, when most of those taxes are already engaged for the payment of our debts, I must think it highly extravagant. We ought to make our estate our own, we ought to free it from mortgages, before we think of beautifying it with costly buildings. However, Sir, let me suppose that this expence was absolutely necessary, yet still it ought to have been provided for by parliament before it was undertaken, or at least the next session after it was laid out; in that case the parliament would probably have taken care to have saved as much upon some other article: by that means our being involved in so heavy a debt as we are at present would have been prevented, and we might have been in a condition for acting that part, which the present circumstances of Europe may make incumbent upon us to undertake.

The revenues of a nation, Sir, which always arise from those taxes the people are to pay, may be compared to the revenues of a private gentleman's estate; and every gentleman who has a regard to his family, or to his own credit, will certainly proportion his expence to the revenues of his estate, taking care to save as much yearly as may be necessary for providing for younger children, and for answering future accidents or misfortunes: such a gentleman will consider that if, by his way of living, he spends more than the yearly revenue of his estate, may, according to this computation, answer he must yearly destroy a part of his estate; and that the greater this surplus is, the sooner his estate and family will be ruined. Let us suppose then that such a gentleman should order his steward to compute the manner how he was to live, so as not to spend yearly more than the revenue of his estate could bear, allowing so much yearly for children's fortunes, paying off mortgages, or future contingencies: suppose this steward had prescribed such a manner of living, and had for several years fed him with a notion that he was spending no more yearly than his estate could bear; but at last brings him in a terrible account of debts contracted, by that manner of living which he himself had prescribed, and gravely tells him, he must sell or mortgage one of his best manors for paying off those debts. What would such a steward deserve? Surely he must at least expect all his accounts to be examined in the strictest manner, and his master would never place a confidence in any of his calculations for the future.

The case, Sir, is the same with this nation at present. We have been made to believe, that what we were spending yearly was no more than the yearly taxes would answer: these taxes have been cheerfully granted by parliament, and as cheerfully paid by the people, in full expectation that these were all that were necessary for answering our annual expence; but now, Sir, when we are in danger of being brought into a great and unforeseen expence, we are told that we have

* Upon the Journals of the House of Commons no such charge is to be found in the estimate of the ordinary of the navy this year. It must therefore be meant of the sums expended upon docks, wharfs, houses, &c. for some years past, and set down in former estimates. The whole of the estimate of the ordinary of the navy this year, amounts to 198,914*l.* 9*s.* 7*d.* exclusive of 10,000*l.* for Greenwich hospital.

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run much in arrear, that a great debt has been contracted, and that for the payment of this debt, we must either mortgage those funds which ought to be reserved for a time of danger, or we must lay violent hands upon those funds which have been long ago declared sacred, and religiously appropriated for relieving us from those heavy burdens we at present groan under. While we are members of this House, Sir, we are the trustees of the people; and when the people have been insensibly run into a heavy and unexpected arrear, shall we approve of the accounts of those services by which that arrear has been occasioned, without examining strictly into every article? I must think we are, both in honour and conscience, bound to examine them in the strictest manner; and therefore I shall beg leave to move, "That the ordinary Estimate of his Majesty's navy, for the current year, may be referred to the consideration of a select committee, and that they do examine the same and report the facts, with their opinion thereupon, to the House."

Sir William Wyndham being seconded by Mr. Sandys, the same occasioned a great debate, in which sir Robert Walpole, Mr. Horatio Walpole, Mr. Winnington, sir William Yonge and colonel Bladen, urged the following arguments against the motion:

Sir; The affairs of Europe, and the various incidents that have occurred since the famous peace of Utrecht, are so fresh in every man's memory, that I think it sufficient to observe in general, that every man, who knows any thing of the history of Europe for these last twenty years, may easily give a reason why we have not been able to pay off any considerable part of the public debts. There was no method of paying off honestly and fairly any of our debts formerly contracted, but by increasing the public revenue, or saving a part yearly of that which had been before established; and every gentlemen must acknowledge, that both these methods have been pursued as much as it was possible. We could not increase the public revenue by imposing any new taxes, for our people think they are already burdened with too many; and if any such method had been proposed it would certainly have been opposed, perhaps by some of those gentlemen who now find fault with so small a part of our debts having been paid off. The only other method of increasing the public revenue was, by having the taxes carefully collected, and thereby endeavouring to increase the produce of each; and this has been pursued with the utmost care, so that most of our taxes produce more now than they did twenty years ago.

With respect to the saving a part of the public revenue which had been before established, it could be done no other way but by reducing the interest payable to the creditors of the public, or by reducing the public annual expence: the first of these methods has been pursued, and luckily for the nation with great success; and no man can with justice say, that for these twenty years the nation has been put to any expence but what was absolutely necessary according to the circumstances which the affairs of Europe, or the affairs of the nation were in at that time; nor has it been put to any expence but what was regularly laid before the parliament, and always approved of by parliament; so that the finding fault with any part of our conduct for these twenty years past, is not really finding fault with the conduct of our ministers, but with the conduct of king and parliament.

I shall agree with the honourable gentlemen, Sir, that Estimates have been every year laid before the House, of what was then supposed to be necessary for the service of the ensuing year; and I hope they will agree with me that it was right to do so; but I never heard that the gentlemen, who computed those estimates and laid them before the Parliament, pretended to be infallible. The estimates they have given in have been found to be deficient, some of the necessary services have been sometimes omitted, or the sums thereby allotted have been found not sufficient for answering the services for which they were appointed, and this is one of the reasons why so large a debt now appears to be due on account of the Navy: another reason is, that the funds appointed by Parliament for raising those sums, which were yearly granted by them for the service of the Navy, have been always found deficient; and a third reason is, that the Parliament have often found it necessary for the safety of the nation, to give his Majesty Votes of Credit, in pursuance of which some additional expences have been incurred, above what were mentioned in the estimates yearly given in at the beginning of the session: and as such expences were generally incurred by making additions to our

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Navy, which is the natural defence of this nation in all times of danger, it has greatly increased the Debt due on account of our Navy, and is one of the chief reasons why that Debt is now become so considerable.

Some of those accounts relating to the Navy-Debt, have been for several years successively laid upon your table, and all of them, except some few articles which have lately accrued, were laid before the last session of Parliament; and for what reasons, I shall not pretend to determine, the Parliament never thought fit to provide for those deficiencies, or to pay off any part of that Debt which had been thereby occasioned; though I must suppose that, as the accounts were regularly laid before the Parliament, when the transactions to which they related were fresh in every man's memory, if an error or fallacy could have been pointed out, or if any objection could have been made to any one of the articles, it would not only have been taken notice of in this House, but would have been made a subject for clamour over the whole nation; for there always have been, and I hope there always will be, a great number of gentlemen in this House not only capable, but ready and willing to discover any fallacies that may be artfully foisted into our public accounts; and if any such discovery had been made, those who are disaffected to his Majesty's government might, and would certainly have from thence endeavoured to have raised a popular clamour against the administration: for this reason I may suppose, that all the accounts upon your table have already been sufficiently canvassed, and therefore I cannot think there is any occasion for appointing a select committee for that purpose.

As for the article, Sir, which the honourable gentlemen have been pleased to distinguish by a particular remark, it is certain that houses, docks, dock-yards, and magazines, are as necessary for the support of our Navy as ships of war; and it is as necessary to rebuild the former, when fallen to decay, as it is necessary to rebuild the latter. To pretend that ministers, by directions from his Majesty, ought not to order a Dock, Dock-yard, or Admiralty-office to be repaired or rebuilt, without having first laid the same before Parliament, seems to me very extraordinary; it may be as well pretended that they ought not to order a man-of-war to be re-built or repaired, without first having laid the same before Parliament: in this respect the sum can make no difference; it is the nature of the service only we are to regard, when we are to determine, whether it ought to be laid before Parliament before it be undertaken; and surely no man will say, but that his Majesty, or his ministers by his direction, may give orders to rebuild a man of war, or to repair or rebuild a public office, without having first laid the affair before Parliament for their approbation. I believe it will be granted, and if it were inquired into it would be found, that no money has been laid out in this way, nor any house built, but what were absolutely necessary; and if there had been any fallacy in the accounts relating to that expence, as they have been long upon the table, it would certainly before now have been taken notice of.

Thus it must appear, Sir, that the story we have been told of a steward's running his master in debt, is no way parallel to the present case; for this nation has been run into no extraordinary expence, but what had not only the authority of Parliament before it was undertaken, but the approbation of Parliament after it was laid out: and if any debt has been contracted, if the funds appropriated for the service of the year have proved at any time deficient, or if any services have been incurred which were not provided for by Parliament, those deficiencies and those services have been regularly laid before Parliament as soon as they could be brought into an account: and it is very certain, if a steward should run his master into no expence but what he had a previous authority for, and should fairly and honestly lay before his master every year, or as often as it could possibly be done, a full account of the Debt he had contracted in the preceding year, that steward could deserve no censure from his master.

Now, Sir, as the naming of a select committee, to inquire into accounts and estimates, is a very extraordinary method of proceeding, a method which has not been practised for many years, and never was often practised, we must suppose it will give a general alarm, and make people imagine that some frauds have been committed. This will of course throw a reflection upon his Majesty's government; and therefore I think we ought not to enter into any such method without some very strong reasons; and as I can see no reason for our entering into any such method, as I can see no good that can be

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expected from any such method, as I am convinced it will do a great deal of mischief by raising jealousies and fears among his Majesty's subjects, therefore I must be against the motion.

To this it was replied by Mr. Gybbon, sir Joseph Jekyll, Mr. William Pulteney, and other members as follows:

Sir; It is from the knowledge I have of the history of this nation in particular, and of Europe in general, that I am so surprised, with respect to the small part of our public debts paid off, notwithstanding the continuance of all our taxes, and the vast sums that have been raised every year; and the more I consider it, the less I can account for the unprofitable use we have made of such a long term of peace. But I am still more surprised to hear any gentleman say, that all possible methods have been pursued, either for diminishing the public annual expence, or the annual interest due to the creditors of the public; on the contrary I am convinced, that all possible methods have been pursued for increasing the first, and no opportunities have been embraced for reducing either the principal or the interest due to the creditors of the public, but such as durst not be refused or neglected.

We have been for these twenty years in a continued course of public peace, at least we have had no war declared, nor any broil with any of our neighbours; and yet every year we have been very near at as great an expence, as we were at in any one year of the heavy war in king William's reign: we have had numerous armies kept up in our own country, we have maintained many princes and armies in foreign countries, and we have sent many expensive squadrons into almost all places of the world; and I should be glad to hear a reason given for any of our naval expeditions into the Baltic or Mediterranean, by those, who are now for our looking quietly on to see the emperor stript of his dominions in Italy, and Muscovy giving sovereigns to its neighbouring kingdoms. I should be glad to hear a reason for our being so alarmed at the alliance, only between Spain and the Emperor, by those who now seem to be so little alarmed at a treaty, not only of alliance but of conquest, between France, Spain and Sardinia: This, Sir, I do not say with a design to insinuate that we have as yet any great reason to be alarmed at this last alliance, but I must think we had from the beginning much greater reason to be alarmed with it, than ever we had to be alarmed with the former; and I must think it would now have been more justifiable to have thrown ourselves into the arms of the emperor, to have prevented the consequences of this last alliance, than ever it was to throw ourselves into the arms of France, to prevent the consequences of the former: From all which I must conclude, either that a great part of the expence we have formerly been at might have been saved, or that our present inactivity is highly inexcusable; and which of these two to chuse I shall leave to the gentlemen who now so strenuously insist, that for these last twenty years we have taken all possible methods to diminish our annual expence.

Now, Sir, as to the diminishing of the interest payable to the creditors of the public, can it be said that we have taken any one method to diminish it, but what the nature of the thing and the circumstances of the nation pointed out so plainly, that it would have been highly criminal in any administration to have neglected the opportunity? But if we had applied the sinking fund regularly to the payment of our public debts, if we had saved that expence, which has been thrown away in maintaining numerous idle armies, and sending out many idle squadrons, and had applied all the savings to the same honest purposes, the principal of our public debts would have been so greatly reduced, that the creditors who remained unpaid would have been glad to have taken what interest we pleased: Nay, I do not know but the principal would, by this time, have been so greatly reduced, that the three great companies would have been glad to have passed from the payment of any future interest upon what was due to them, in order to have had their charters continued.

Whether accounts were regularly laid before the parliament of the present navy-debt, yearly as it became due, is what I shall not pretend to deny, because I do not really know whether it was so or not, but if this be true, which I shall, in complaisance to the honourable gentlemen, admit, it is the strongest argument that can be given for what is now proposed; it is a full confirmation of the old proverb that 'what is every man's business is no man's business,' and therefore an unanswerable argument for our returning to the old custom of parliament, and appointing select committees every year to consider

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and examine every estimate laid before us: for I hope no man will say but that we ought, in time of peace especially, to raise as much within the year as will answer the service of the year; and if any deficiency should happen in the funds granted for one year, or if it should be found that the estimates were deficient, all those deficiencies ought certainly to be made good the very next year. It is certainly inconsistent with the public good to leave arrears long due, because when tradesmen, or those who furnish the public with what is necessary for public use, must lie for years out of their money, it is certain they neither can nor will serve the public so cheap, as when they know they are sure of their money within a few months after the goods are delivered; and the longer any of those arrears stand unpaid, the greater price they will be obliged to pay for every thing afterwards bought for public use.

With respect to ministers, indeed, and the tools employed under them, I must observe, Sir, that it is of great advantage to have public accounts stand long in arrear; and this advantage is greater in the navy than in any other branch of public business, because tradesmen, and others who serve the public, but especially seamen, cannot lie long out of their money: if they cannot get their money soon after it becomes due, they must go to usurers, ministerial tools, and such like extortioners, to sell or pledge their public securities. This brings such securities to discount, the longer they are of being paid, the greater discount they come to be at; so that at last they furnish a plentiful harvest to ministers and their favourites; for when the discount upon those securities is raised to a sufficient height, ministers then give the watch-word to their agents and favourites to go out and purchase; and when they have got them all, or most of them into their hands, then the ministerial bowels begin to yearn for the sufferings of the publick creditors, in having lain so long out of their money; and great merit is assumed from their coming to a compassionate resolution, to have such or such a class of public creditors paid off: this House is always too good natured to refuse such a just request; and thus extortioners get the full value of those securities, which they purchase at a great discount. This, Sir, I shall not say is the case at present; but I must say I am apt to believe, if an enquiry were made into the affair, it would be found that there is but a small part of the debt, due upon the navy, now in the hands of the original creditors of the public; and even this, Sir, is an inquiry not unworthy of the representatives of Great Britain in Parliament.

But, Sir, whatever the interest of ministers may be, it is certainly the interest of the public to pay off their debts regularly, and as soon as possible; and as I am convinced every gentleman now, or formerly, in this House, has, and always had the interest of the public more at heart than the interest of the minister; therefore I am convinced, that if these accounts have been upon our table, all the other gentlemen of the House are in the same condition with me; they are so far from having canvassed every article of them, that they are quite ignorant of their having been ever laid upon the table before this session: if any gentleman had but cast his eye upon such accounts, in any preceding session, and had observed the arrears standing unpaid, or unprovided for by parliament, his regard for the public, his regard for the distressed creditors of the public, would certainly have prompted him to have moved to have had them taken into consideration, and paid off long before now; nothing could have prevented it but a neglect, which has been occasioned by its not having been made the concern of any particular set of men; and for this reason we never ought to think it sufficient to have accounts or estimates laid upon our table, we ought always to refer the consideration of them to select committees; and thus, by making it the particular business of a few, we may expect they will never be neglected as those now before us seem to have been, by their having been left to the care of the whole House.

I must beg leave to differ with the honourable gentlemen, when they say, that the nature of the service is only to be regarded, when we are to determine, whether it ought or ought not to be laid before the parliament; for in my opinion, the sum to be laid out ought likewise to be considered: if the sum be but small, and the nature of the service such as often occurs, it may be undertaken without any particular authority from parliament; but if the sum be large, though the nature of the service be such as often occurred, and has generally been undertaken without any particular directions from parliaments, yet such direction become necessary when

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the sum is much larger than what is usually required for that service: his Majesty may, without doubt, give orders to have a man of war, or perhaps half a dozen in a year, repaired; but if by any great misfortune, it should become necessary to lay out, in any one, two or three years, a very large sum for that purpose, it would then be proper to lay that necessity before parliament; and I think no minister ought to undertake such an extraordinary service without having first obtained an authority from parliament for so doing: in the case mentioned, I believe it will be granted, that the building of houses is a service that does not often occur; and I am very sure the sum that has been laid out, and which now makes a great part of our navy debt, is a much larger sum than was ever laid out in this nation upon such a service, in so small a number of years; nay, I do not know but it amounts to more than was ever before expended in this nation for building docks or any other sort of buildings for the use of the navy, or the officers of our navy; and therefore, both with respect to the nature of the service, and the sum to be laid out, it ought not to have been undertaken without a previous authority from parliament.

Sir, if the nation has been run into any unnecessary expence, I am sorry to hear it said, that nothing has been undertaken without the approbation of parliament; but, Sir, if it were so, the authority or the approbation of former parliaments can be no reason for our following their example, in giving our authority for undertaking such services for years to come, as they have authorised for years past: we are under no greater obligation to approve of what was approved of by the very last parliament, than that parliament in king Charles II's reign, called 'The Pensionary Parliament'.

To pretend that what is now proposed will raise jealousies among the people, or give them any suspicions of his Majesty's government, is an argument, I find, always to be brought in when any attempt is made to inquire into the conduct of his Majesty's ministers; but I would have gentlemen consider, that the proper business of parliament is to inquire into the conduct of ministers; and if the people find that such attempts are always over-ruled, it will give them a suspicion, not only of his Majesty's government, and the conduct of his ministers, but it will give them likewise a suspicion, and a just one too, of the conduct of parliament: we ought to consider what it was that gave the parliament in king Charles II's reign, the ignominious epithet it is now branded with; and if the people should conceive any such suspicion of this or any future parliament, it would raise real jealousies among them, it would make them despair of ever having their grievances redressed in a legal way, and that despair might drive them into the most violent methods of seeking redress; therefore I wish gentlemen would, upon all occasions, distinguish a little between his Majesty and his ministers, and never allow the respect they have for the latter to over-balance the duty they owe to the former.

The respect that former parliaments have shewn to the ministers for the time being, and the great confidence put by parliament in their conduct, is, I am afraid, one great cause that the nation now remains under such a load of debts and taxes; and therefore it is high time for us to reassume that jealousy which has so often proved to be of the most signal benefit to this nation. We have been talking, Sir, of putting ourselves in a condition to compel the acceptation of the terms of peace we are to propose, but I wish we may not find that our neighbours are too well acquainted with our circumstances to be afraid of any thing we can do; they know that our people are already as heavily taxed as they can bear: they know that all those taxes are already engaged, either for the payment of our debts or for the support of our civil government; can it be supposed that our menaces will have great influence upon any of their resolutions? but if they should find, that our parliament were beginning to look closely into the management of our public affairs, they would from thence conclude, that the best use would be made of every shilling hereafter to be raised; that people would contribute with the more alacrity, and from thence they will probably be induced to give some attention to whatever we may think necessary to propose, for restoring the peace of Europe. For this reason, if there were no other, we ought to agree to what the honorable gentleman has been pleased to propose.

Then the question being put upon sir William Wyndham's motion, it was, upon a division, carried in the negative, by 198 to 168.

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Proceedings in the Commons relating to the Privilege of Franking Letters, and to certain Abuses in the Post Office.] Feb. 26. Mr. Walter Plumer moved, That the copy of his Majesty's warrant, whereby letters are permitted to pass free from the duty payable upon Post-letters, which was presented to the House upon the 19th instant, be read; which was done accordingly, and is as follows:*

'G. *R.*

'Whereas we are given to understand, 'that the revenue arising by the General 'letter-office, or office of postmaster gene-'ral, hath heretofore suffered great preju-'dice by the free carriage of a great num-'ber of letters and pacquets, from time to 'time, which ought to have been paid for 'according to the acts of parliament in that 'behalf; and that, for restraining the mis-'chief attending such practices, our royal 'predecessors have directed, from time to 'time, by warrant under their royal sign 'manual, to whom the said freedom of 'sending or receiving free any letters or 'pacquets should be granted or allowed: 'our will and pleasure, therefore, is, and 'we do hereby require and command, 'That, from henceforth, you permit and 'suffer no person or persons whatsoever to 'send or receive free any letters or pac-'quets, which by virtue of the said acts of 'parliament, or any of them, ought to be 'paid as aforesaid except our principal Se-'cretaries of State for the time being, the 'Commissioners of our Treasury, now 'being, and our High Treasurer, or the

* "About this time, some of the gentlemen in the opposition, to increase the outcry against the minister, gave out, that the letters were opened at the Post-house; and Mr. Plummer made a motion, for a copy of his Majesty's Warrant, whereby letters were permitted to pass free from the duty payable upon post letters. This motion was not opposed by the minister, though he foresaw to what it tended. On the 26th of February the warrant was laid before the House of Commons; and thereby it appeared, that the privileges of franking was granted by the crown to the great offices of state, and to both Houses of Parliament. When it was laid before the House, great exceptions were taken at its being signed by the Lords of the treasury; as if the privilege of franking had been owing to the favour of the minister; upon the principle, that all acts of the crown were to be regarded as acts of the minister. Sir Robert Walpole was far from vindicating the practice of opening the letters of members; but he acquainted the House, that unless the ministry had a discretionary power, in times of public danger, of ordering letters to be opened at the post-house, there would be no discovering any bad practices against the government: and for the truth of his assertion, he appealed to the experience of the nation and of that House in the case of the bishop of Rochester, and of almost all the conspiracies that have been carried on against the government ever since the institution of the post-office. To this it was answered, that granting that to be true, the abuse of the practice defeated all its design; because conspirators well knowing that their letters would be opened, never would trust their correspondences to the post-office. Gentlemen even went so far as to insinuate, that the minister incouraged such practices, in order to come at the knowledge of the private dealings and circumstances of merchants. At last, a Committee to enquire into that affair was moved for and named; and highly to the disappointment of the gentlemen in the opposition, the motion was not opposed by sir Robert Walpole or his friends, who were only for restricting it from encroaching upon the secrets of government.

"This opened a very curious scene of enquiry. For it appeared, that when the bill granting the post-revenue to Charles II. went to the House of Lords, the Commons sent it up with a clause, reserving to themselves the Privilege of Franking in the same manner they now enjoy it. The Lords finding no such provision in the bill for them, and thinking it to be a Money-bill, passed it without that clause; and the whole bill must have been thrown out when it was sent back to the Commons, had not the ministry given them assurances that their letters should come and go free. Accordingly, the king gave orders (which were printed) 'that the farmers of the Post-office should 'suffer all single letters, but not packets, sent 'by the post-office to or from any member of 'either House of Parliament, to go free, with-'out payment of any thing for the post there-'of.' Notwithstanding this order, the House thought the privilege of franking so much their right, that they (October 19, 1666) committed an officer of the post-house for charging the letters of members with postage: and when the post-office revenue was settled by the crown upon the duke of York, his royal highness was so far from thinking he had a right to stop or charge franks, that he sent sir Philip Frowde, who managed the office for him, to desire the assistance of the House in punishing certain attorneys who had counterfeited franks.

"This and other evidence being laid before the Committee, they made a Report, and agreed upon a set of Resolutions which seemed repugnant to the prerogative exercised by the crown in the order. But the matter was too trifling, and, indeed, too doubtful to be contested on the part of the minister, who suffered the Resolutions, after some immaterial amendments, to pass." Tindal.

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'Commissioners of our Treasury, for the 'time being, and the Secretaries to the 'Treasury for the time being, the Secretary 'at War, the Secretary of our Admiralty, 'our lieutenant-general, or other chief Go- 'vernor or governors, of our kingdom of Ire- 'land, for the time being, and his or their 'secretary; excepting also the members of 'both our Houses of parliament, during 'every sessions of parliament, and for forty 'days before, and forty days after, every 'session; so as the letters or pacquets to 'be franked, by virtue of this our autho- 'rity for the members of parliament of 'either House do not exceed the weight 'of two ounces: and our further pleasure 'is, That our said Secretaries of State, 'commissioners of our treasury, and our 'high treasurer, and the secretaries of the 'treasury, our secretary at war, and the 'secretary to our admiralty, our lieutenant 'or chief governor of our kingdom of Ire- 'land for the time being, and his secretary, 'or any of them, now or for the time being, 'shall not, at any time or times, permit or 'suffer any person or persons whatsoever 'to send any private letters, under cover, 'to them, the same not being for our ser- 'vice, but what they shall immediately 'send to the said general post-office, to be 'taxed, and delivered from thence; and 'shall not cover any persons letters what- 'soever, other than their own; and that 'they shall give strict orders to the respec- 'tive secretaries and clerks under them to 'govern themselves accordingly: And we 'do also will and require you to make our 'pleasure known to the members of our 'said Houses of Parliament, that, for pre- 'venting the abuses, which, as we have 'been informed, have been frequently 'practised with divers persons, who, not 'being members of either of our said 'Houses of parliament themselves, have 'yet presumed to indorse on their letters 'the names of such as were; as also to 'direct their letters to members of parlia- 'ment, when, at the same time, such let- 'ters do not really belong to or concern 'the members to whom the same are di- 'rected, we do expect, that the members 'of both Houses do constantly indorse their 'own names on their own letters, with 'their own hand-writing; and that they 'do not suffer any letters whatsoever, other 'than such as concern themselves, to pass 'under their frank, cover, or direction, to 'the diminution and prejudice of our said 'revenue; and, for so doing, this shall be 'your warrant.—Given at our court at St. 'James's this 18th day of October 1727, in 'the first year of our reign.—By his Ma- 'jesty's commmand. R. WALPOLE, CHA. 'TURNER, GEO. DODINGTON, GEO. OX- 'ENDEN, WILL. CLAYTON.'—To our trus- ty and well-beloved Edward Carteret and Edward Harrison, esquires, our postmas- ter-general.

The Warrant having been read, Complaints were made by several Members, that their Letters were not only charged at the Post-office, but that they were often broke open and perused by the clerks: that this practice of breaking open letters was become frequent, and was so publicly known, that the very end for which that liberty was given to the postmaster was entirely disappointed; for the intention being at first to discover any treasonable correspondence that might be carried on against the government, that intention was rendered altogether vain, because by the practice of opening letters being so frequent, and so well known, it was certain that no man would carry on any treasonable correspondence by means of the post-office; so that the liberty given to break open letters at the post-office could now serve no purpose, but to enable the little clerks about that office to pry into the private affairs of every merchant, and of every gentleman in the kingdom. At last it was insisted, that the Warrant then laid before the House was not the last warrant granted by his Majesty, nor the warrant by which the post-masters then acted; and therefore it was moved, that a Committee be appointed to inquire into that affair. Mr. Plumer's motion was supported by Mr. Lisle, Mr. Heathcote, Mr. Pulteney, Mr. Dundas, and Mr. Perry; was in some measure opposed by sir Robert Walpole, and Mr. Henry Pelham, but at last they agreeing to the motion, provided that a Committee did not inquire into any thing that might tend to the discovering the secrets of the government; a committee was appointed accordingly.

March 28. Mr. Plumer reported from the said Committee, That they had examined the matter to them referred, and had directed him to report the same as it appeared to them, together with their Resolutions thereupon, to the House; which Report being read, and delivered in at the table, the same was taken into consideration on the 16th of April.

April 16. The House proceeded to take into consideration the said Report, which

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was read together with the Resolutions of the Committee, as follows:

"The Committee, to whom the copy of his Majesty's Warrant, whereby letters are permitted to pass free from the duty payable upon post letters, was referred, have met; and, pursuant to the order of the House, examined the matter thereof: to which purpose,

"The Committee, in the first place, thought it necessary to inquire from what time the Privilege of franking Letters commenced, and in what manner it had been enjoyed, by the House of Commons; and having examined the first steps of the Act, which granted the Post-revenue to his Majesty king Charles the 2d, they find, in the Paper-bill, which remains in the custody of the clerk of this House, a clause, providing and enacting;

'That all the letters which, at any time 'hereafter, be sent by or unto any of the 'knights, citizens, and burgesses, chosen, 'and continuing, to be members of the 'Parliament of England, and sitting the 'parliament, shall be freely, and without 'any charge unto them, safely carried and 'conveyed, by all and every letter-post 'established by this act according to the 'direction of the said letters: any thing 'in this act to the contrary notwithstanding.'

"Which Clause was left out by the Lords, as appears by the Journals of the House of Commons, as your Committee suppose; because there was no provision made for their letters passing free; and because, as it was a Money-bill, they could not make any addition to it, though they took upon them to leave out part of it; which occasioned some difficulty in the House of Commons, about passing the Bill; to facilitate which, your Committee have reason to believe, that the persons who had then the honour to serve the crown, and who were members of the House of Commons, gave the rest of the members assurances, that their letters should pass free, though they passed the Bill, without insisting upon that clause.

"And your Committee think themselves warranted in this belief, as well from the tradition of several old members, as by observing, that the parliament which granted this Revenue was dissolved on the 29th day of December 1660, the same day that the Bill had the royal assent; and the next parliament which was called met on the 8th day of May 1661; immediately after which, your Committee find a printed Paper delivered in to them, from the post-office, intituled, 'An Extract of 'a warrant from the King, dated May 14th '1661,' and signed Edward Nicholas and William Morrice, the then secretaries of state; which runs in the following words:

'Charles *R.*

'The King being informed, by his 'principal Secretaries of State, That the 'members of parliament seemed unwilling 'to pay for the postage of their letters 'during the sitting of parliament, his Ma'jesty was thereupon graciously pleased 'to give directions to the farmers of his 'Post-office, That all single letters, but not 'packets, sent, by the Post-office, to or 'from any member of either House of Par'liament, go free, without payment of any 'thing for the port thereof.'

"Which Warrant being obtained from the King, on the representation of the Secretaries of State, That the members were unwilling to pay for their letters, confirms your Committee in the opinion, That it was granted in consequence of former assurances given.

"Your Committee proceeded to examine the Journals of this House; and find, That so soon after the establishing the Post-office, as the 19th October 1666, this entry is made:

'Ordered, That Edward Roberts be sent 'for, in Custody of the Serjeant at Arms 'or his deputy, to answer his abuse and 'breach of Privilege, in exacting money 'of the members of this House for Post'letters.

"October 23d, 1666, Ordered, That 'Edward Roberts be discharged of his 'commitment to the Serjeant at Arms, 'paying his fees.'

"Your Committee find another Entry, dated February 6th, 1666, in these words:

'Sir Philip Frowde, who is entrusted 'with the management of the Post-office 'by his royal highness the duke of York, 'being called in to the bar of this House, 'and giving information, That certain At'tornies, and in particular one Peter Mason, 'do take upon them to superscribe letters, 'in the name of members of this House, 'to have them carried gratis; whereby 'his highness is abused in his revenue, 'and the privilege of parliament infringed.'

"Ordered that it be referred to the 'Committee of privileges, to examine the 'abuse and breach of privilege objected 'against one Peter Mason, an attorney, 'and others, in superscribing the names

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'of members of this House to their own 'letters, to have them carried gratis; and 'report the matter, with their opinion 'therein, to the House; and that the 'Committee do sit this afternoon, at two of 'the clock.'

"Your Committee considering, That the duke of York enjoyed this revenue under the crown, conceive, that this must be looked upon as the strongest acknowledgment, that the franking of letters was a privilege of this House; and the postmasters then were so far from thinking themselves at liberty to strike out the names of members signed by themselves, that they thought themselves obliged to desire the assistance of the House of Commons, when the name of a member appeared upon a letter, though counterfeited.

"Your Committee thought it not necessary to make their Report tedious, by inserting all the orders they found upon the Journals relating to the Post-office, not doubting, but that these already mentioned were sufficient to satisfy the House, That the privilege of having their letters go free has been enjoyed by the members of the House of Commons, as long as the revenue has been enjoyed by the crown.

"Your Committee then proceeded to examine the officers belonging to the Post office: and the person who could give the most material evidence in the affair, then before the Committee, was Mr. Edward Cave, who called himself supervisor of the franks; and acquainted the Committee, 'That his business was to controul letters, 'and to charge those not permitted by the 'king's warrant to go free: that, at his 'entrance into his office, in 1721, he had a 'general direction to charge all letters not 'wholly superscribed by the member; and 'had orders likewise to charge those that 'were not about the member's business; 'and this was supported by the governors.' Being asked, What rule he had to know whether letters were about the member's business or not? he gave the following ones, which, he said, directed him; 'That a letter coming from a place where 'he knew the member signing was not, 'was a reason to him to think it not about 'the member's business, and to charge it; 'that he could frequently see, by the help 'of a candle, through a cover directed to 'a member, an inclosed letter directed to 'another person; in which case, his way 'was to charge it, and to notify its not 'being about a member's business, or to 'stamp H. J. upon it, which were the 'initial letters of Henry Jaques, his pre-'decessor in the office, under whom he 'learned the art of finding out false franks, 'as he termed them: which still continues 'a mark among them for that purpose: 'that another motive for his charging the 'letters of members is, when he knows the 'member to be in mourning, and his 'letter is not sealed with black wax: that 'he frequently guesses; and members let-'ters may sometimes be charged, through 'mistake; but that then they are always 'ready to return the members the money 'so charged; that when he is in doubt, he 'always thinks it better to tax, bearing in 'mind the postmaster-general's maxim, 'We can give redress at any time, but can 'never recover what is slipt; that he has 'observed the franks increase with every 'new parliament: that as the new mem-'bers do, and have a right to, frank let-'ters, those who were in the last parlia-'ment do not willingly part with that pri-'vilege, and, by the acquaintance they 'still have in the House of Commons, they 'get blank franks, which being super-'scribed by the said old members, whose 'hand-writing he is acquainted with, he 'apprehends it to be the business of the 'member of the last parliament, and then 'strikes off the frank.'

"Your Committee cannot help observing upon, this evidence, That the methods by which Mr. Cave pretends to distinguish whether letters concern the business of the members themselves, or not, are very uncertain, and tending to give a great deal of unnecessary trouble to the members; but that if he has any surer methods, which he did not think fit to disclose, they must still be of infinitely worse consequence.

"Your Committee then proceeded to peruse a Paper, intituled, 'An Account of 'the diminution of the Revenue by frank-'ing of letters, from the year 1715 to the 'year 1734:' by which there appears a great gradual increase of Franks: and they examined Mr. John Searle, the accomptant-general of the post-office: who said, 'It was a general account; and not 'of the diminution arising from members 'franking only.'

"Your Committee then examined Mr. Joseph Bell, comptroller-general: who acquainted the Committee, 'That the ac-'count, delivered by Mr. Searle, included 'the two Houses of Parliament and the 'state-offices: that the practice prevailed

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'against taking any account of the franks 'of the clerks of the post-office, though 'he owned they franked a good deal to 'make them amends for the smallness of 'their salary: that what was called an ac- 'count of the diminution of the revenue, 'by franking, was rather an estimate, and 'taken in the following manner: that they 'weighed all the letters franked, at the 'office, once, twice, or perhaps at most 'thrice, in the year; and, taking an ac- 'count of that weight, they concluded, 'that the franks of every night, till the 'next weighing, should be the same: that 'they endeavoured to take their weighing 'at as equal times as they could, when they 'had no particular reason to believe the 'postage higher or lower than ordinary; 'as when the king's speech, or any such 'public paper, came out: that there could 'be no distinction of the franks of Lords, 'Commons or State-Offices, they being all 'weighed together:'

"Your Committee, for further information in this affair, called for a Paper, intituled, 'An Account of the net Revenue 'of the Post-office from the year 1715 to 'the year 1734:' and as this account is a certain account, and not an estimate, they find by it the revenue is not really diminished, in any proportion to what it appears to be by the former Estimate; and Mr. Bell explained that, by acquainting the Committee, 'That he did not appre- 'hend, that one-third of the letters, which 'are franked, would go by the post if not 'franked.'

"Your Committee, having thus stated the facts, have thought fit, as well for preserving the Privilege of this House, as to guard the revenue against any unlawful diminution, to come to the following resolutions:

1. "That it is the opinion of this Committee, That the privilege of franking letters by the knights, citizens, and burgesses, chosen to represent the Commons in Parliament, began with the erecting a post-office, within this kingdom, by act of parliament.

2. "That it is the opinion of this Committee, That all letters, not exceeding two ounces, signed by the proper hand of, or directed to, any member of this House, during the sitting of every session of parliament and forty days before and forty days after, every summons or prorogation, ought to be carried and delivered freely and safely from all parts of Great Britain and Ireland, without any charge of postage.

3. "That it is the opinion of this Committee, that it is an high infringement of the privilege of the knights, citizens, and burgesses, chosen to represent the Commons of Great Britain in parliament, for any Post-master, his deputies, or agents, in Great Britain or Ireland, to detain or delay, open or look into, by any means whatsoever, any letter directed to, or signed by, the proper hand of any member, without an express warrant, in writing, under the hand of one of the principal secretaries of state, for every such detaining, delaying, opening, or looking into.

4. "That it is the opinion of this Committee, That all letters, directed to any member of this House, at any place within the bills of mortality, be carried by the proper officers of the Post office to the house or lodgings of such member, or to the lobby of the House of Commons.

5. "That is the opinion of this Committee, That it is a notorious breach of privilege of the House of Commons, for any person to counterfeit the hand, or put the name, of any member of the House of Commons, upon any letter, in order to prevent its being charged with the duty of postage.

6. "That it is the opinion of this Committee, That such persons as shall presume to do the same, ought to be proceeded against with the utmost severity."

The first and second Resolutions were agreed to; and on the 25th, the third Resolution was amended thus: "That it is an high infringement of the privilege of the knights, citizens and burgesses, chosen to represent the Commons of Great-Britain in Parliament, for any post-master, his deputies or agents, in Great-Britain or Ireland, to open or look into, by any means whatsoever, any letter directed to or signed by the proper hand of any member, without an express warrant in writing, under the hand of one of the principal secretaries of state for every such opening or looking into; or to detain or delay any letter, directed to, or signed with the name of any member, unless there shall be just reason to suspect some counterfeit of it, without an express warrant of a principal secretary of state as aforesaid, for every such detaining or delaying."

The other Resolutions were severally read a second time, and agreed to without any Amendment.

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Debate in the Commons on a Motion for a Clause to be added to the Mutiny-Bill, relating to the inlisting of Soldiers.] Feb. 26. The Mutiny-Bill being reported to the House,

Sir *Walter Bagot* stood up, and said, That since the House had made such a large addition to the Army, and seemed inclined to continue the severe penalties on Deserters, and the method of recruiting prescribed by that, and former Bills of the like nature, he thought it necessary to add some Clause, to make the Bill less dangerous to the subject: that by a Clause in the Bill it was proposed to be enacted, as in former Bills, that if a poor country-fellow should inlist with an officer and take his money, and afterwards, when carried before a justice, refuse to declare himself inlisted and to take the oaths prescribed by law, it should then be in the power of the officer to send such a poor fellow to prison, and confine him in a dungeon for a whole month, even though it should appear that the poor fellow inlisted when he was drunk, and was willing to return the money he had taken, and satisfy all the charges the officer had been at: that this power of confining a man in a dungeon, where he might be in danger of starving, was, he thought, too great a power to be intrusted absolutely in the hands of any officer: that it was no way necessary for his Majesty's service, and might be of dangerous consequence, because it might tempt some officers to practise all the inveigling arts they could think of, not with an intention to recruit his Majesty's forces, but to compel poor country-fellows to give them a sum of money, by way of composition, for being discharged from the bargain they had made when drunk, or in a passion, and for being freed from the confinement to which the officer had, by law, an uncontroulable power to subject them: that therefore he would beg leave to offer a Clause to be added to the Bill, 'That every officer, 'who should thereafter inlist any man to 'serve in any regiment, should within 'days carry the man so inlisted before 'some one of the next justices of the 'peace, where the man so inlisted should 'be at liberty to declare his dissent, and 'his having repented of what he had 'done; and upon his so doing, and re-'turning to the officer the inlisting money, 'and the expences the officer had been at 'by inlisting him, and carrying him before 'the justice, not exceeding the sum of 'such justice should forthwith 'discharge him: and that an officer, 'guilty of any failure or neglect in this 'respect, should be liable to the same pe-'nalties to which officers are made liable 'for false musters.' This was seconded by

Mr. *Bramston*, who informed the House, That he actually knew a case, where a poor fellow was inveigled when he was drunk, and when he came to be sober, repented, and therefore refused to take the oaths when carried before the justice; but the officer insisted upon his being sent to prison, and confined for a month in the terms of the act of Parliament, though the poor fellow offered to return the inlisting money and all charges; and it not being in the power, or in the inclination of the justice to refuse the officer's demand, the poor fellow was accordingly sent to jail, where he remained for some time; but having no victuals nor drink, he was at last compelled to go before the justice and take the oaths prescribed, in order to prevent his being starved.

To this it was answered by general Wade, Mr. Henry Bromley, Mr. Lindsay, and Mr. Hay, That what was proposed by the Clause offered had already been taken care of by his Majesty's orders for regulating the army, for as no soldier could be tried upon the Mutiny-act, unless he had taken the oaths prescribed by that act before some justice of peace, therefore his Majesty had given an order to all officers, that no recruit should be brought to or entered in any regiment, until he had first been regularly inlisted, and had taken the oaths prescribed by law, before some of his Majesty's justices of the peace; so that by his Majesty's order every officer was obliged to do what was proposed by the Clause offered; and as the Bill then before them was of the same nature with former Bills against mutiny and desertion, it would be absolutely necessary to continue the same general order to all officers, with respect to their carrying recruits before some justice of peace, therefore they thought it was unnecessary to add any clause for that purpose; and it would be attended with many inconveniencies, particularly, that it would be sometimes impossible for an officer to carry a recruit before any justice within the time proposed, or within any limited number of days.

To this it was replied by sir William Wyndham, sir John Barnard, and Mr. Sandys, That the very clause then pre-

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posed had been in several Mutiny-Bills during the reign of king William, though it was then in time of war, and recruiting of course more difficult than it could be supposed to be at present: that the honourable gentlemen who opposed the clause, could not say, that by any order his Majesty could give, the justice of peace was obliged to discharge the man inlisted, upon his declaring before him his having repented of what he had done, and returning to the officer the inlisting money and all the charges the officer had been at for inlisting him: that what was proposed by the Clause was to lay an obligation upon the justice, and to give a poor fellow an opportunity to get off upon reasonable terms, in case he should repent of what he had done; neither of which could be effectuated by any order his Majesty had given or could give for regulating the army: that the grievance complained of was, the inveigling of men to inlist, and making a property of them after their having been so inveigled: that this was a privilege which they hoped no officer would insist on: that the abolishing of this privilege was what the Clause offered chiefly aimed at; and therefore they hoped the House would agree to it.

Sir Robert Walpole and Mr. Henry Pelham having declared, That they would be for the Clause, if it could be so drawn as not to be attended with any inconvenience to the service; and thereupon proposed that the debate be adjourned till the next day, in order that such a Clause might be contrived: and it being admitted of the other side, that the Clause, as it then stood, might perhaps stand in need of some little amendment, it was agreed to adjourn the debate accordingly till next day; when the Clause was agreed to, and added to the Mutiny-Bill.

Debate in the Commons on the Subsidy to Denmark.] Feb. 28. The House being in a grand committee on the supply, and the Treaty with Denmark, dated Sept. 19, 1734, having been referred to the said committee, a motion was made by Mr. Horatio Walpole, "That the sum of 56,250*l.* be granted to his Majesty, on account of the Subsidy to the king of Denmark, pursuant to the said Treaty, for the service of the year 1735." This occasioned a long debate, in which Mr. Walpole's motion was supported by Mr. Winnington, Mr. Willes, colonel Bladen, and sir Robert Walpole, as follows:

Sir; Although we are not engaged in the present war, yet, as the balance of power in Europe depends very much upon the event of it, we may be soon under a necessity of joining on one or other of the parties; therefore it is incumbent upon us to strengthen ourselves before-hand, by engaging as many foreign powers as we can to join with us upon such an event. In this situation, it was natural to cast our eye first towards Denmark, the interest of that nation being generally the same with our own; and at present was the more necessary, because great endeavours were used to engage that court on the other side of the question, which might have proved of the most fatal consequence to the liberties of Europe, and consequently to those of this nation.

The experience of the last two wars against France may convince us, Sir, how dangerous it is to allow any one power in Europe to exalt itself too much, and how expensive it may prove, to reduce a power that has once got too great an ascendant over its neighbours. The expence which Great Britain is to be put to by this treaty with Denmark, must appear very inconsiderable to every gentleman who considers, that we thereby not only secure the assistance of a powerful kingdom, but prevent their being engaged against us, in case the event of the war should make it necessary for us to join the other side. In all cases it is certainly prudent upon any emergency, to lay out a small sum, when it is probable we may by so doing prevent our being afterwards brought under a necessity of putting ourselves to a much greater expence: and this is the very case at present in relation to our treaty with Denmark.

It is well known, Sir, that nations are, in all their public transactions, governed by their own interest; and as all Europe knew that great offers were making to Denmark, to secure them on that side, against which we might soon be under a necessity to engage; therefore it became absolutely necessary for us to offer them such terms as might convince them, that it was more their interest to join in alliance with us, than with either of the parties concerned in the war. I must therefore think, that the concluding this treaty was one of the most prudent steps his Majesty could take, and the conditions on our part are so reasonable, that I think every gentleman in this House must approve of them; and therefore, I hope,

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this motion will be agreed to without opposition.

Mr. Walpole's motion was opposed by sir William Wyndham, Mr. Pulteney, sir John Barnard, Mr. Sandys, Mr. Shippen, and sir John Hynde Cotton, who alledged the following Arguments against the motion.

Sir; I am glad to hear that we are as yet no way engaged in the war; if it be so, I am sure it is ridiculous to put the nation to a great expence, to provide against a danger which may never happen. As we have no particular interest of our own for inducing us to engage in the present war, but only the danger the balance of power may be in by that event: and as all the powers of Europe are as much, or more, interested in the preservation of that balance than we are; if it should come to be in any real danger, they would certainly engage in its defence, without receiving any valuable consideration from us; but if we should be always the first to take the alarm upon any wars breaking out, and offer bribes and pensions to all the princes in Europe, the whole charge of preserving that balance would fall upon this nation; and each of them would, upon every such occasion, expect a bribe or a pension from England, for doing that which he would otherwise be obliged to do for his own preservation. Even the Dutch may at last refuse to assist, when the balance of power is really in danger, unless we submit to make the Grand Pensionary of Holland a pensionary of England, and take a number of their forces into English pay.

It is really surprizing, Sir, to hear gentlemen talk of the balance of power's being in danger, and that we must already begin to provide for its preservation, when there is not a prince or state in Europe, who seems to apprehend any such matter. The Dutch have not put themselves to one shilling expence on account of the present war, or for that mediation they are engaged in as well as we. The princes and states of Germany are so far from being apprehensive of any danger, by the event of the present war, that some of the most considerable of them have actually engaged in a neutrality. Even the king of Denmark, whom we have thought necessary to engage by a considerable yearly pension, is himself a prince of the empire, and would certainly suffer by the overturning the balance of power in Europe, much sooner than this nation would; and therefore we must conclude, that it is more immediately his interest to engage, not only in defence of that balance, but in defence of the empire; yet we, it seems, have been so generous as to promise to reward him bountifully for doing what is absolutely necessary for his own preservation. This, Sir, is a most pernicious example, it may at last bring the balance of power into real danger, because it may tempt all the princes in Europe to neglect it, until we grant them yearly pensions for taking care of it; and perhaps this very precedent has now provoked all the other princes of Germany to stand off, on purpose to engage us to extend our bounty in the same manner to each of them.

To tell us, Sir, that if we had not entered into this treaty with the king of Denmark, he might have been prevailed on to have concluded a treaty with another power, which might have been prejudicial to us, is, in my opinion, very odd. Princes, it is true, Sir, do not always see their real interests, but if we resolve upon every occasion to clear their eyesight by a pension, I am afraid none of them will ever open their eyes without receiving some such remedy from us. We are never to suppose that any prince of Europe will engage against the liberties of Europe, or will perform any former engagement, when the performance comes to be apparently inconsistent with the liberties of Europe, and consequently with his own independency, unless he be very much blinded by some particular interest of his own. And of all the princes of Europe the king of Denmark is, in this respect, the least liable to any temptation; there are several other princes of Europe, who may be tempted to join with those who have designs against the liberties of Europe; because they may be made from thence to expect some addition to their own dominions; and these are the princes upon whom we ought to have a watchful eye; these are the princes upon whom we ought to bestow our pensions, in order to keep them firm to the general interest of Europe. If we had by any subsidy engaged the duke of Bavaria in an alliance; if we had by any subsidy disengaged the king of Sardinia from his present allies; or if we had laid out a sum of money in engaging the Polanders to make such a choice of a king, as would have prevented the breaking out of the war, (and perhaps a less sum might have done than the expence we have been

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at on account of the war) there might have been some reason for our being at such an expence; but I can see no advantage we can expect, from the expence we are to be at, on account of this treaty with Denmark.

I shall readily agree with the honourable and learned gentleman (Mr. Willes) that nations are entirely governed by their own interest; but as it is the interest of Denmark, as much as it is the interest of this nation, to preserve the balance of power in Europe, therefore I must think it was quite unnecessary for us to give them a fee for doing so: I shall indeed grant that they were in the right to take it, for, I believe, few will refuse to take a fee for that, which it is both their duty and interest to do without any reward. As I have a great opinion of the honour and the penetration both of the king and the ministers of Denmark, I must conclude they would never have entered into any engagements, that were inconsistent with the liberties of Europe; I must conclude they will always be ready, without any fee or reward, to join with all their force in the preservation of the balance of power, whenever it shall appear to be in any real danger. Consequently it was altogether unnecessary for us to enter into any such treaty as that now before us, or to promise any such subsidy as is by that treaty stipulated; and therefore, as one of the representatives of the people, to whom they have entrusted the laying out their money, in the most frugal manner, I cannot agree to such an unnecessary expence as what is now proposed.

Upon this sir Joseph Jekyll, and Mr. Howe declared, That they approved of the treaty as little as any gentlemen did: That though they thought it was altogether unnecessary, to put the nation to such an expence 'till the danger became more apparent, yet as it was the first treaty his Majesty had concluded upon the present emergency, they would agree to the motion; because if that House should not agree with what his Majesty had done with respect to that treaty, it might be, at such a conjuncture, of the most dangerous consequence to the liberties of Europe, by encouraging the ambitious views which some of the parties engaged in war may now have, or hereafter form to themselves, and by discouraging any of the princes or States of Europe from entering into any treaties with his Majesty, even though the circumstances of Europe should then absolutely require such treaties to be concluded.

Then the question being put for agreeing with the motion, it was carried in the affirmative, by 270 to 178.

Debate in the House of Lords on a Motion for the Instructions to his Majesty's Minister in Poland.] March 6. A motion was made in the House of Lords, "That an humble Address should be presented to his Majesty, that he would be graciously pleased to give direction, that the several instructions to Mr. Woodward his Majesty's minister in Poland, in the year 1729, be laid before this House."

The Argument for it was to this effect:

My Lords; as we are, many of us, by our birth, and all of us, by those honours which our kings have conferred upon us or our ancestors, not entitled, but obliged to give his Majesty our best and most sincere advice, in all arduous affairs; one of the chief ends of our meeting in this House, is to consider the state of the nation, both with respect to foreign and domestic affairs, in order to give our king, upon every considerable emergency, that counsel which we think may tend most to his glory and the interest of the nation: for which end it is necessary for us to have all those treaties, negotiations, and other papers laid before us, which may be necessary for our information in any affair, in which it may be incumbent on us to give our advice; and for this reason, it has always been the custom and the right of this House, to call for all such papers, and to consider them deliberately, before we ever offered to give our advice to the crown.

I believe, my Lords, it will be granted, that, with respect to our foreign affairs, there never was a more critical conjuncture than the present: there never was a conjuncture when it was more necessary for us to consider the state we are in, or more incumbent upon us to offer our best and our sincerest advice to our sovereign; nor was there ever a conjuncture, when the king could stand more in need of honest and up right counsel: the eyes of all Europe are now fixed upon the behaviour of Great Britain; and by our behaviour in the present conjuncture, both the honour and interest of the nation, nay even the liberties of Europe, may be either sacrificed or preserved. In such a conjuncture, can we perform our duty to our country or our king; can we an-

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swer one of the chief ends of our meeting in this House; without examining into the state of our foreign affairs, and offering our most deliberate advice to our sovereign? Upon such an occasion, we are not to wait till his Majesty shall be prompted, by those about him, to ask our advice; because, if by them he has been misled in any former steps, we may depend on it, they will endeavour, as much as they can, to divert his Majesty from applying to parliament for council, when they are certain that by such an application their conduct would come to be examined into and highly censured: no, my Lords, this House is his Majesty's highest and most natural council; we are in duty bound to give him our advice upon every important emergency; and upon an emergency of such importance as the present, his Majesty's having made no application to this House for advice, is, with me, a strong argument that he has been misled, in some late measures, by those about him; and that, by them, he has diverted from applying where he is always sure to meet with honest and upright counsel; and therefore I must think, we have the greater reason to enquire into the present state of our affairs, and offer that advice which shall appear the most consonant to our present circumstances.

This consideration, my Lords, makes it the more necessary for us speedily to offer his Majesty our advice, upon the present posture of affairs in Europe; and, as in this we cannot pretend to give any advice without being fully informed as to the sources and causes of the present war; it is therefore absolutely necessary to have laid before us, all the papers relating to our late foreign transactions. Among the many foreign transactions we have been lately engaged in, those relating to Poland are, at present, the most necessary for us to enquire into; because the late transactions in that kingdom are said to have been the sole cause of the present war; therefore it is impossible for us to give any advice, about the present posture of affairs in Europe, without examining whether we had any and what share in those transactions; and as in the year 1729, the late king of Poland was dangerously ill of the distemper, of which he afterwards died; as every one even then judged his life could not be of any long continuance; and as every one likewise judged, that his death might very probably produce a combustion in Europe; it is very reasonable to suppose, that measures for the election of a future king were then begun to be concerted: therefore I think we ought to know, whether we had any share in those measures, before we offer any advice to his Majesty, upon the present posture of affairs; for which reason I shall beg leave to make as modest a demand as can well be made in the present conjuncture, which is, "That an humble Address," &c. (as before-mentioned.)

To this it was answered in substance as follows:

My Lords; I shall agree with the noble Lord, that this House has a right to call for any papers that may be necessary for our information, with respect to any affair we are, or ought, to enquire into; but, to the honour of this House, my Lords, I must add, that that right has been always hitherto used with great prudence and caution; we have never yet called for any papers, by which the secrets of the government might be any way divulged, or the affairs of the nation brought into any distress.

Upon the present occasion, my Lords, if his Majesty had found it necessary to apply to this House for advice, he would certainly have done so; and he has too much penetration, to allow himself to be diverted by those about him, from doing what may be necessary upon any emergency, either for his own glory, or the interest of his people: but from what his Majesty has told us from the throne, we may easily see the reason why he has not as yet made any such application: his Majesty has told us, that he was no way engaged in any of those measures which gave occasion to the present war; and consequently he can have no manner of concern in it, unless some of the parties engaged should begin to push their conquests, or their views, farther than is consistent with the preservation of the balance of power in Europe: whenever this happens, it will become necessary for this nation to interfere; and in any such event we need not doubt but his Majesty will take all proper methods to have the best advice; but as any such event must necessarily involve this nation in great danger and great expence, therefore his Majesty is now pursuing that which will redound most to his own glory, and to the safety and advantage of the nation; he is endeavouring to put an end to the war by a solid and lasting peace: and as he is

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now acting the part of mediator, between the two contending parties; as he has already offered to them a plan of an accommodation; it is necessary for him to keep in as good terms as possible with all the parties engaged, till he shall see what may be the event of that plan.

Though I do not know, my Lords, nor do believe, that any of the powers now engaged in war, can have just reason to be displeased with the part this nation acted, with respect to the affairs in Poland in the year 1729; yet if all the instructions and letters sent to our minister in Poland at that time, and all his letters from thence, should be made public, I do not know but some one or other of the powers now engaged in war, may find fault with some of them; which would, of course, very much embarrass his Majesty's negotiations, for restoring the peace of Europe, and thereby, preventing this nation's being involved in a dangerous and expensive war; if not render them altogether ineffectual. I hope the instructions and the letters now moved for, were as wisely drawn up, and as cautiously worded, as it was at that time possible; but it was impossible to foresee all the various events which have since happened; and had these instructions been drawn up by the wisest ministers that ever were in this nation, or in any nation, it is not to to be supposed, but that there may be some expressions in them, which may disoblige some of the contending powers; or may, at least, render some of them jealous and suspicious of his Majesty's impartiality at present; which, of consequence, may very probably disappoint those measures his Majesty has now concerted for restoring the tranquillity, and preserving the balance of power in Europe.

With regard, my Lords, to the transactions in Poland in the year 1729, we must suppose that our minister had instructions to favour the party for Stanislaus, or the party for the then electoral prince of Saxony, or that his instructions were to favour neither of the parties that then began to appear in Poland; but to watch the motions and measures of each of them, without declaring on one side or the other. If his instructions were to favour the party for Stanislaus, the publishing of them would then certainly disoblige all those who are now engaged to support the election of the present elector of Saxony; and if his instructions were to favour the then electoral prince, now elector of Saxony, the publishing of them would, in the present conjuncture, as certainly disoblige all those, who are now engaged to support the election of Stanislaus: in either of which cases, a jealousy would be raised against his Majesty, which would probably disappoint the plan lately concerted for an accommodation.

But, my Lords, suppose that the instructions given to our minister then in Poland, were to act an exact neutral part; yet we cannot well suppose them so cautiously penned, but that one side or other may take exceptions to them; which would diminish in some one or other of the parties now engaged in the war, that confidence which they at present repose in his Majesty, and which it is necessary to keep up, in order to render his Majesty's mediation successful: and if we could suppose them so cautiously penned, as not to give the least offence; upon such a supposition it must be granted, that we can expect no information from them, in relation to the present war: we cannot from thence discover what were the springs and the causes of the war, which may be very different from those publicly assigned; and if the whole truth were known, I am apt to believe it would appear, that the late transactions in Poland, were none of the causes of the present war, or, at least, that they contributed but a very little towards it, by being a sort of cloak for covering those designs, which were the real motives of the war. Thus, my Lords, the making public those instructions and papers which are now called for, must be of great prejudice to his Majesty's affairs, in every supposable case but one; and in that one case they can be of no service, nor afford any lights to this House, with respect to what your lordships desire to be informed about: for this reason, I think it is not only quite unnecessary, but very improper to present to his Majesty any such address as has been proposed; because though the particular transactions then carried on in Poland, are now at an end, yet the consequences of them are so far from being at an end, that they are now pretended to be the cause, and the chief motive for entering into the present war against the Emperor; and therefore I shall be against calling for, or publishing any papers, which may in the least relate to those transactions and negotiations now upon the anvil in Europe.

The Reply was to the following effect:

My Lords; There is no lord in this

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House, nor any man in the kingdom, who has a greater regard for his Majesty, or a better opinion of his Majesty's wisdom and penetration than I have; but my duty to his Majesty as a member of this House, obliges me to offer my best and most sincere advice in any affair, which I look upon as an affair of importance; and my duty to my king, as well as my own honour, forbid me to offer my advice in any affair, till I have that information which I think necessary for that purpose. It has been so often said in this House, that I am ashamed to repeat it; but upon this occasion I must again take notice, that speeches from the throne are, in this House, always considered as speeches from the ministers for the time being; and therefore we are never to be confined or restrained in our debates, by any thing that has been said to us from the throne: whether we have any concern in the present war or whether we were any way engaged in those measures which gave occasion to the present war, is, for this reason, a question, that no lord, as a member of this House, can be as yet satisfied about; because we have as yet made no enquiry into it, nor can make an enquiry till a great many papers, particularly those now called for, are laid before us.

As for the plan for an accommodation, which it is said has been offered to the parties now engaged in war, I must declare, my Lords, I know nothing about it; and every one of your lordships, when you speak as members of this House, must declare the same, because it has never yet been communicated to the House; and therefore I cannot well say any thing about it; nor can I know what may be prejudicial or advantageous in it. I do not know, my Lords, what sort of plan it is, but it be such a plan, or any thing like the plan that has been published in the Dutch Gazettes, we have no great reason for being fearful of doing any thing that may prevent its being effectual; for I am convinced it will never produce an accommodation, it can never have any effect, unless it be to engage this nation in the war, whether it be our interest or inclination so to do or not.

It is impossible, my Lords, that any war can break out in Europe in which this nation has no concern: if we have no particular obligation upon us, if we have no particular interest to engage us to take a share in the war, yet we ought to take every such opportunity to settle the disputes we may have with either of the parties, or to obtain advantages in our trade from every one or at least from some of the parties engaged in war; and it would be a very high misdemeanor in those who are, or at any such time may be, at the head of our affairs, to neglect or let slip any such opportunity. The balance of power, my Lords, is what we ought always to have an eye to, but I cannot think it is at present or is like to be, in any great danger; and the advantage of our situation is such, that we may always be, and therefore we ought always to be, among the last princes and states in Europe, to give ourselves much trouble about it, or to engage in its preservation; for if we do not give ourselves an unnecessary trouble about it, the princes and states upon the continent will take care of it among themselves; and if, in any case of extremity, we find ourselves at last obliged to engage, we ought to take that opportunity to settle all disputes we may have, and to reap all the advantages in trade we may expect from any of those, in favour of whom we engage; and when by our means the balance of power is to be re-established, and peace to be restored, we have then an opportunity of settling all former disputes with the parties against whom we engage, and of obtaining new advantages from them. This, my Lords, ought to be the fundamental maxim of all our negotiations and engagements; but I am afraid we have for some years had our heads so full of the balance of power being in danger, and have been so ready upon all occasions to frighten ourselves with that phantom, that we have not only neglected, but have, upon all occasions, sacrificed the particular interests of this country to our imaginary apprehensions about the general interest of Europe. There was never a better opportunity than the present, for settling all the disputes this nation may have with either of the parties engaged in war: there was never a better opportunity, for this nation's acquiring new advantages in trade from every one of them; and I hope it will not be neglected; for I shall have a poor opinion of our negotiators, if a peace be restored without obtaining some considerable advantages for this nation.

With regard, my Lords, to the instructions sent to our minister in Poland in the year 1729, I shall not pretend, so much as to guess at what they were; but it was certainly the interest of this nation not to intermeddle, either in favour of the

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party for Stanislaus, or in favour of the party for the electoral prince of Saxony: it was our business, and would have been our glory, to protect that republic in her freedom of choice; and the proper instructions to be sent to our minister on that occasion, were only, to endeavour to sound the views and inclinations of the leading men of that nation, in order to take our measures accordingly, when the throne should become vacant by the death of the then king of Poland; and that we might in time prepare, to make the best of what was most likely to be the consequence of that important event. If these were the instructions sent, no power in Europe can have any just ground to complain of our conduct; and if any of them should make any unjust and frivolous complaints, or conceive any groundless suspicions, they are not to be regarded. But, granting that this is the case; granting that our conduct at that time was unexceptionable; is it not highly necessary for us to know this before we offer any advice to his Majesty? My Lords, it is so necessary, that without it we cannot offer any sincere advice; it would be dishonourable, or at least rash in us to attempt it; for though the affairs of Poland may not be the chief causes of the war, yet it is certain that, with respect to France, they are the chief motives pretended; and for the other causes of the war, we must search into other late transactions, and have the proper papers laid before us for that purpose.

But, my Lords, if, with respect to the affairs of Poland, we favoured either of the now contending parties, it is absolutely necessary for this House to enquire into them, and for that end to have the Papers now moved for, laid before us; such an enquiry will be so far from being attended with any mischievous consequences, that the neglect of it may be of the most fatal consequence, both to this nation, and to the liberties of Europe; for whatever side we favoured, it cannot be supposed that any of our endeavours are now a secret to those of the other side of the question. If we favoured the designs of those who were for setting Stanislaus upon the throne, we must have concerted measures with the leaders of that party in Poland; and as some of those who were then among the leaders of that party in Poland, are now in the interest of the elector of Saxony, can we suppose that any of our endeavours in favour of Stanislaus, or the instructions given to our minister for that purpose, are now a secret to the elector of Saxony, or to any of the powers now engaged to support his election? So that whatever our instructions may have been upon that head, they cannot now be a secret any where but in this House, where they ought to be known, and ought to be strictly enquired into; for it is impossible to imagine that the powers of Europe, who now support the elector of Saxony, will ever put any confidence in this nation, or join cordially with us in any measure, while those persons, who formerly advised such measures, have any influence in our councils: nor can the nation, with honour, propose any terms of peace, much less engage in a war, for defeating those very measures which have been concerted in conjunction with us: We cannot at least propose any such terms of peace, or engage in the war on such a footing till we have made examples of those who engaged us in such destructive measures.

On the other hand, if we suppose that the instructions sent at that time to our minister in Poland, were, to favour that party who were for placing upon their throne the electoral prince, now the elector of Saxony; those instructions must have been communicated to all the chief officers of state, particularly to those of them who then appeared at the head of the Saxon party in Poland; and, as many of them are now in the interest of Stanislaus, can we suppose that those instructions are now a secret to any of those powers, who are now engaged to support the election of that prince to the throne of Poland; or that they will look upon this nation as impartial, or with any confidence accept of our mediation, as long as those very persons who joined in such measures against them, have any influence in our councils? So that if we have a sincere inclination, which I think we ought to have, to prevent this nation's being engaged in the war, we ought to enquire into our transactions in Poland; and, for that reason, ought to have the Papers, called for, laid before us: but, moreover, if it should appear, that the emperor has been attacked for pursuing those very measures he had concerted with us; is not this nation in honour obliged to defend him against such an attack? or at least, we ought to punish those who engaged the faith of this nation, in measures, which it was not our interest to pursue.

Thus, my Lords, in every supposable case, it is the duty of this House not only

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to call for those instructions, but to examine them strictly, before we can pretend to give his Majesty any honest or sincere advice, in relation to the present posture of affairs in Europe. If the instructions were right, we ought to know it before we can give our advice; and it is impossible the publishing of them can produce any bad effect: If they were otherwise, they can produce no worse effect than they have done already; and it is necessary they should be examined into, and the persons punished who advised them, before we can suppose that his Majesty's mediation will have any effect towards restoring the peace of Europe, or preventing its being necessary for this nation to engage in the war.

The question was then put upon the motion, which upon a division was carried in the negative, by 71 to 29.—The motion was made by the earl of Chesterfield; and the Speakers in favour of it were, the said earl, the lord Bathurst, the lord Carteret, and the earl of Winchelsea: the Speakers against it were, the duke of Newcastle, the earl of Ilay and the lord Hardwick.

Debate in the House of Lords on a Motion relating to the Treaty of Seville.] Immediately after this division the following Motion was made in the House, viz. "That an humble Address should be presented to his Majesty, that he would be pleased to give direction, that the Letters and Instructions sent to his Majesty's ministers at the courts of France and Spain, relating to the execution of the Treaty of Seville, should be laid before the House."

This Motion likewise occasioned some debate, in effect as follows:

My Lords; Notwithstanding the fate of the former motion, I will beg leave to make another, which I hope will have better success; but before I make the motion I intend, I desire his Majesty's speech to both Houses of Parliament, at the opening of the session, in the year 1731, may be read. (The same was read accordingly.) In that speech you may observe, my Lords, his Majesty informed us, in general, of the difficulties that were like to attend the execution of the treaty of Seville. And then says, 'the plan of operations for the execution 'of the treaty of Seville by force, in case 'we should be driven to that necessity, is 'now under consideration.'—From these expressions, and from what fell from a noble lord in the former debate, who told us we were to look for the springs and causes of the present war somewhere else than in the instructions given to our minister in Poland, I think it absolutely necessary for us to see the letters and instructions sent to our ministers at the courts of France and Spain, in relation to the execution of that treaty; for in that treaty, and in the negociations that were carried on for the execution of that treaty, I am, indeed, very much persuaded, we are to look for some of the chief springs and causes of the present war; at least, I am very sure, we cannot pretend to give his Majesty any advice with respect to the present war, without seeing that plan of operations which was concerted for the execution of that treaty, and those negotiations that were carried on for concerting that plan, and for making it effectual after it was concerted; and therefore my Lords, I shall move, &c. (as above mentioned.)

To this it was answered in substance as follows:

My Lords; I must say, I am a great deal more surprised at this Motion than I was at the former; for, as the affair of Poland is made at least the pretence of the present war, it might be suspected that the late transactions in that kingdom were the chief causes of the war; but I am sure it is impossible to imagine that any of the letters or instructions relating to the execution of the treaty of Seville, can have any concern with the motives of the present war; because, whatever measures were concerted for the execution of that treaty by force, it is certain, that no such measures ever took effect: we all know, that the treaty of Seville was soon after fully executed in an amicable and friendly manner, by the conclusion of the treaty of Vienna; therefore the Treaty of Vienna is the only Paper that can properly have any relation to the execution of the Treaty of Seville, and the only Paper from which we can have any information in relation to the execution of that Treaty.

Therefore, my Lords, as there can be no relation between the papers now called for and the causes of the present war, there can be no reason for our desiring them to be laid before us on the present occasion: but farther, my Lords, it would be very improper, and certainly very dangerous, to make those papers public at such a conjuncture as the present; because there may be several things in them, that might break off that good correspondence, which now subsists between his Majesty and all

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the powers engaged in the present war; and, which is certainly necessary to keep up, till the plan of peace, concerted by his Majesty and his allies, shall be either accepted or rejected: for if it be accepted, and peace restored upon safe and honourable terms, this nation will be freed from the danger of being involved in a heavy and expensive war; a danger which we cannot avoid, if the plan be rejected, and the war long continued; therefore I hope this House will never agree to do any thing that may give the least occasion or pretence for rejecting of that plan: and whatever some Lords may be pleased to say of that plan, I doubt not but it will appear to be a reasonable and a good plan; because in the forming of it the Dutch ministers concurred with ours; nay, I believe, were the first and the principal persons concerned in the drawing it up: I believe it was originally formed by as wise and as honest a minister, as ever had the direction of the affairs of the States General; and his draught was approved of by all those, who have any share in the administration of their affairs: so that whatever may be said or thought of our own ministers, I hope every lord in this House will do the Dutch ministers, especially that great man, who has now the chief direction of their affairs, the justice to think, that they would neither have drawn up nor approved a ridiculous plan, or a plan which they thought would not be effectual; and I believe I may say, that if that plan, or something very like it, be not effectual, it will from thence appear, that some of the parties now engaged in war, have views which they have not yet thought fit to own, and that both the Dutch and we will think it necessary to join in the war, in order to prevent the accomplishment of such dangerous designs. The discovering of those views, if there be any such, is certainly one of the chief things intended by that plan; the sooner they are discovered, the more easy it will be to defeat them; and I hope your lordships will do nothing that may defeat the design of the plan, which your agreeing to the present motion would very probably do; because it might furnish a pretence to some of the parties engaged in war, to reject the plan, without being obliged to discover their real designs.

But in short, my Lords, every argument that was offered against the former motion, is certainly equally strong against this; and as your lordships have thought fit to disagree with the former motion, I make no doubt of your disagreeing likewise with this.

The Reply was to the following effect:

My Lords; Whatever may be my own private opinion, I have so great a deference for the opinion of this House, that if there were no difference between this and the former motion, I should not have stood up to have said any thing in its favour; but I hope when your lordships consider it, you will see that there is a very great difference, between the papers now called for, and the papers called for by the former motion; for though the transactions to which the former motion related, happened several years ago, yet it cannot be said, that the affair is quite at an end, because the dispute about the election of a king of Poland is still subsisting; and for that reason many of your lordships might think it improper to have any papers published, which any way related to that dispute: but in the case now before us, there is no foundation for such an argument; the affair relating to the execution of the treaty of Seville is now quite at an end, the treaty has been fully executed in all its parts, except so far as relates particularly to this nation, I mean, my Lords, with respect to the depredations committed upon our merchants by the Spaniards; and, as satisfaction was due to us by the law of nations, I hope we have made no promises, nor used any arguments that can possibly disoblige any power in Europe, not particularly concerned in that affair: indeed, if the doctrine of consequences takes place, if we must never call for papers relating to any transaction, as long as its consequences are upon the anvil, I doubt much if this House can ever call for papers relating to any transaction, that has happened for at least a century past; for every transaction must be the consequence of some former, perhaps a great many former transactions, so that we would never call for the papers relating to any transaction, as long as the persons concerned in it were alive, which would indeed be an excellent and a safe doctrine for ministers; but for that very reason, I hope it will never be received within these walls.

I shall readily admit, my Lords, that the consequences of the treaty of Seville are now upon the anvil: I shall readily admit that the present war is a most natural consequence of the treaty of Seville, and of

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the negotiations that were afterwards entered into, for executing that treaty by force: and I am so far from thinking that those negotiations, or the papers relating to them, can have no relation to the causes or motives of the present war, that I am convinced the war is chiefly owing to that treaty, and the measures that were concerted for its execution. By that treaty, the ancient union and intimate correspondence between France and Spain were restored; and by the introduction of Spanish troops into Italy, we not only opened a way for the Spaniards, but by that very step, we lost the king of Sardinia, by which we opened a way likewise for the French into the same country, and thereby united those three powers in that close confederacy, which occasions the present disturbance in Europe.

But, my Lords, though the present war be a most natural consequence of the treaty of Seville, and the future negotiations for the execution of that treaty, I am so far from thinking this a good reason for our not calling for any papers relating to the execution of that treaty, that I think it is a most convincing argument, for our enquiring strictly into all those transactions; and there is no danger to be apprehended from publishing any paper relating to them: there can be nothing in any of these papers that can possibly disoblige either of the three powers now united against the emperor, more than we have already done by the treaty of Vienna; and if there be any thing in either of those papers, which might at that time have been disobliging to the emperor, we have since sufficiently atoned for it, by the unlimited guaranty of the Pragmatic Sanction, which the honour of this nation now stands charged with by the treaty of Vienna; so that it is not possible to conceive, how there can be any thing in the papers now called for, that may tend towards defeating the plan which has been concerted for restoring the peace of Europe, and which the noble duke says, will appear to be a wise and a good plan.

As I know nothing, my Lords, about this plan, I shall not pretend to say, what it will appear to be; but if it should appear to be a wise and a good plan, I am sorry to find, that the Dutch only are to have the honour of it; for as we have been at all the expence both in concerting it, and in endeavouring by our preparations, to make it effectual, it was, I think, but reasonable, that we should have had a share of the honour. However, let the plan be what it will, it can receive no prejudice from any of the papers now moved for: it is impossible that either of the parties engaged in war can from thence find any colour of reason for rejecting the plan; and if, from frivolous pretences, they reject it, their real designs will appear as evident, as if they had rejected it without giving any such reason. But, my Lords, whatever may become of the plan, the present posture of affairs is of so great importance, that we cannot, in honour, neglect giving his Majesty our advice; and it is impossible for this House to give him any advice, without seeing the papers and instructions now moved for. Indeed, if the plan should be rejected, we must then see a great many other papers, before we can pretend to be so thoroughly acquainted with the circumstances of affairs, as to be able to give any reasonable advice, with respect to those measures, which his Majesty ought in that case to pursue.

The question being then put, it was upon a division, carried in the Negative, by 72 to 29. This motion was made by the lord Bathurst, and supported by the earl of Chesterfield and the lord Carteret. The Speakers against it were the lord Hervey and the duke of Newcastle.

As soon as this division was over, the lord Carteret stood up and made the following motion, viz. "That an humble Address be presented to his Majesty, that he would be pleased to give directions to the proper officer or officers, to lay before this House, the several Allotments of Quarters which had been made for his Majesty's land forces in Great Britain, since the 25th day of March last." Which motion was agreed to without any debate or division.

Debate in the Lords on the Mutiny Bill.] March 13. The Mutiny Bill was, according to order, read a second time in the House of Lords, and ordered to be committed: but as soon as the motion for committing was agreed to, a motion was made, "That an Instruction should be given to the Committee on that Bill, to receive a clause for providing, that the number of Land-Forces to be mentioned in the preamble, and subjected to the penalties of that Bill, do not exceed 17,704."

Upon this motion there was a long debate, in which the Arguments made use of for the motion were to this effect:

My Lords; Although I have agreed to the committing of this Bill without any

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objection, yet I cannot but take notice of the number of forces mentioned in the preamble. The number of forces kept up last year, was much greater than I thought necessary for the defence of our country, and much greater than I thought consistent with the safety of our constitution; but by the Bill now before us, I find, even that number is now to be greatly increased; and why a greater number is now necessary or safe, I cannot comprehend. I have always thought myself obliged, as a member of this House, to take notice of every thing that might occasion any additional burden to be laid upon the subject, or that might, in my opinion, be of dangerous consequence to the happy constitution of this kingdom; and I have always thought it my duty, not to give my consent to either, till I heard some very sufficient reasons for convincing me that it was necessary. This, my Lords, is what makes me now stand up; for I have always been of opinion, and I think it has generally been admitted, that the keeping up of a great number of regular troops within this Island, in time of peace, is of the most dangerous consequence to our liberties; and the encreasing that number upon any occasion, must oblige us to lay new burdens upon the people.

As the circumstances of Europe are now much the same they were last year, if no greater number had been proposed for the ensuing year, I have so great a respect for the opinion this House was of the last session of parliament, that though I am still of a different opinion, I should not have given your lordships any trouble upon the present occasion: but since a great addition is now to be made, to that which last year I thought too great a number, I expected that some of the noble Lords, who are in the secret of our affairs, would have stood up and shewn us the necessity for this augmentation: this I not only had reason to expect, but I am, in honour, obliged to insist upon it, before I give my consent for keeping up the number now proposed; and every Lord of this House, who is in the same circumstances with me, has reason to expect the same, and lies under the same obligation to insist upon it. There may be, for what I know, a very urgent necessity for this augmentation, but I desire to have that necessity explained to us; for if this House should ever come into the method of encreasing our fleets and our armies, and loading our people with debts and taxes, for no other reason, but because the ministers tell us it is necessary, the parliament of Great Britain will soon come to be of the same nature with the parliament or states of the province of Brittany, or of any of the other provinces of France; we may perhaps continue to meet in this House, but we shall meet here for no other end but to approve of what our ministers may be pleased to inform us of, and to give a parliamentary sanction to whatever they may be pleased to propose.

The chief reason, therefore, my Lords, for my standing up, is to demand, that some noble Lord, who is better acquainted than I am with the present circumstances of the nation, especially with respect to our foreign affairs, would stand up in his place, and explain to us the necessity for our making the augmentation proposed; for, unless that necessity be fully explained to us, I hope your lordships will agree to the motion I now make, which is, that there may be an instruction to the committee upon this Bill, to receive a clause, &c. (as abovementioned.)

The Answer to this was in substance as follows:

I shall readily admit, my Lords, that the keeping up of a numerous standing army within this island, in time of peace, is of the most dangerous consequence, and absolutely inconsistent with our constitution; I shall likewise admit, that no augmentation can be made to our army, without laying some additional burden upon the people; and therefore I must admit, that we ought never to agree to either, without some very apparent necessity for so doing; but the affairs of Europe are, at present, in such a dangerous state, and that state is so well and so publicly known that the necessity for our making an augmentation of our army, is, in my opinion, of itself apparent, and therefore I thought it was quite unnecessary for any Lord in this House to explain that necessity. The present cannot be properly said to be a time of peace: we are, at present, in a state of doubt and suspense, which can neither be called a state of peace or of war: for though we are not actually engaged in the war now carrying on in Europe, no man can foresee how soon we may be obliged to engage; and therefore it is highly necessary for us to begin early to provide for the worst, in order that we may be able to engage with

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such vigour, as may contribute both to the safety and the honour of the nation, in case any future event should render it absolutely necessary for us to take a share in the war.

The number of troops mentioned in the preamble of this Bill, is, it is true, greater than that which was mentioned in the same bill last session of parliament; yet, my Lords, the augmentation is not so great as it may at first appear to be. The number of troops proposed for this ensuing year, does not very much exceed that number which was thought necessary last year: for your lordships must remember, that, towards the close of last session, there was a power granted to his Majesty to augment his forces both by sea and land, if the exigency of affairs should so require; and, in pursuance of this power, there was last year an augmentation made to our land forces, which augmentation his Majesty thought absolutely necessary, for enforcing those measures he was then taking, in concert with his allies, to restore the tranquillity of Europe. His Majesty's mediation, in conjunction with his allies, the Dutch, had been accepted by all the parties engaged in war; and in such circumstances it was certainly very necessary for his Majesty to put himself into such a condition, as might add weight to what he was to propose, as mediator of the differences subsisting in Europe. A plan of peace has accordingly been offered, to the parties engaged in war; if the terms of that plan be accepted, peace will be restored to Europe, the balance of power preserved, and this nation freed from the danger it is at present exposed to, of being obliged to engage in a bloody and expensive war; it is therefore very much the interest of this nation in particular, as well as of Europe in general, to have that plan made effectual; and it must be granted, that the most certain method for making it effectual, is for his Majesty to shew to all the parties concerned, that he is preparing to join against those, who shall refuse to accept of those reasonable terms of peace, which he has been pleased to propose. This was the reason for making an augmentation last year; this is the reason for making still a farther augmentation for the year to come; and this, my Lords, is so apparent, that I did not expect it would have wanted any explanation.

But, my Lords, if his Majesty's endeavours should fail of the desired success, the augmentation we have made will then be of great use; for if that reasonable plan his Majesty has offered, should be rejected, it will be a proof, that some of the parties engaged in war have designs, which are inconsistent with the liberties of Europe; this must, of course, necessarily oblige us to join the other side; and by the preparations we have made, we shall be able to put a stop to the designs of the ambitious, before they have had an opportunity to push them too far; in which we shall certainly have the assistance of our friends the Dutch, who, as they are joined with his Majesty in the mediation, will, without doubt, join with him in such other measures as may be necessary for preserving the balance of power; and this they will do the more cordially and the more freely, when they see that his Majesty is prepared, for the immediate execution of any measure that may be proposed. In this respect, they were in a situation very different from that in which we were at the beginning of the war, because they had made no reduction of their land forces, ever since the treaty of Vienna, between the Emperor and Spain, and therefore it was not necessary for them to make any augmentation; all they had to do, was, to delay making that reduction which they had actually resolved on, before the present war broke out; whereas we had long before reduced the augmentation we made of our land forces, on occasion of that treaty; and were, for that reason, obliged to encrease them last year, in order to put ourselves on an equal footing with the Dutch, and to convince them, that we were resolved to be ready to join with them in any measure that should appear necessary, for preventing the ambitious views of either of the parties now engaged in war.

Upon this occasion, my Lords, we ought to consider, that immediately after the treaty of Utrecht, the Dutch reduced their land forces to 32,000 men, which they supposed to be a number sufficient for the defence of their country in time of peace, and accordingly it appeared to be so; for they never made any addition, till they heard of the treaty concluded between the Emperor and Spain at Vienna, and the counter-alliance concluded between England and France at Hanover; upon which occasion, as the affairs of Europe seemed to tend towards an open rupture, they augmented their army with 20,000 men; and at the same time, and for the same reason, we encreased our land

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forces to the number now proposed by this Bill; but upon the conclusion of the treaty of Seville, we reduced our forces again to their old standard, whereas the Dutch never reduced a man of the 20,000 additional troops they had raised, though it is certain they were resolved to reduce every man of them, as soon as they saw that the affairs of Europe would admit of such a reduction, and had actually come to a formal resolution to reduce 10,000 of them, just before the late king of Poland's death; but, upon that prince's death, they very wisely suspended that resolution, so that they certainly have now 20,000 land forces on foot, more than they would at this time have had, if no war had broke out; therefore it may be properly said, they have made an augmentation of 20,000 men on account of the present war; and to do them justice, as our allies, as being united in the same interest with us, we can do no less than increase our army to the number now proposed, as being the least number we can have in proportion to the army our allies, the Dutch, have at present on foot.

The number of regular forces, kept up within this Island in former times, is, I find, my Lords, an argument constantly made use of when this bill comes before us; but it is always, in my opinion, an argument rather for, than against the number of forces proposed by the bill; for, considering the difference between regular forces and militia, which the late troubles in Poland have made sufficiently manifest, it must be granted, that the number of regular forces kept up in this nation, or in any nation, ought always to bear some sort of proportion to the number of regular forces kept up by neighbouring states, especially by those from whom the greatest danger is to be apprehended; and as all the nations of Europe have, of late years, very much increased their number of regular forces formerly kept up, we must necessarily do the same; but in particular, we ought to consider our neighbouring kingdom of France, the nation from which we have the most to fear; and if we compare the number of regular forces now kept up by them, even in time of peace, with the number they formerly kept up, I believe we shall find, that the increase we have made in our number of regular forces, bears no proportion with the increase they have lately made; so that this argument, which is generally made use of against the bill, is really, when rightly considered, one of the strongest arguments that can be made use of, in favour of the greatest number of forces that was ever proposed to be kept up within this island in time of peace; and considering the doubtful state we are in at present, considering the present dangerous situation of the affairs of Europe, I am surprized to see any opposition made to the small augmentation now proposed.

The Reply was in substance thus:

My Lords; As every day seems to furnish us with new maxims in politics, which to me appear very extraordinary, so this day has furnished us with a maxim, that is not only extraordinary, but inconsistent with our constitution: we have been told, that the number of regular forces kept up in this nation, is always to bear some proportion to the number of regular forces kept up by our neighbours, especially by our neighbours of France, from whom we are said to have most to fear. My Lords, if we were so unlucky as to be situated on the continent, or to have any neighbours that could come at us by land, there might be some truth in the maxim now discovered to us; but, as we have the happiness to be surrounded by the sea; as we have the happiness to have a fleet, superior to any that can probably be sent against us; we have no occasion to give ourselves any trouble, or to put ourselves to any expence, on account of the number of regular forces kept up by any of our neighbours: our neighbours may keep up as many thousands, or as many hundred thousands as they please, but they cannot put hundred thousands on board transports, and without putting them on board transports, they can do no harm to this nation: nay, they cannot put any great number of thousands on board transport-ships, without our hearing of the embarkation; and if we have the least suspicion of their being designed against us, we can send our fleet and lock them up, or perhaps burn their ships in their harbours; therefore we can never have occasion to keep up, in this island, any greater number of regular forces than are necessary for securing our coasts against sudden and unexpected invasions, which can never consist of above four or five thousand men; and to guard us against such, I am sure a much smaller number of regular forces would be sufficient, than has been kept up for many years past in this island.

We have likewise been told, my Lords, of the great difference between regular

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forces and militia, which, it is said, has been manifested by the late troubles in Poland: But in this case, we ought to distinguish between veteran troops, and those that can only be called regular troops: we ought also to distinguish between a regular well disciplined militia, and a mere rabble or mob. By veteran troops, I mean those who have been inured to action, and are acquainted with danger; and such, I believe, will always be found better than the best disciplined militia, or even the best regular troops that never looked an enemy in the face, unless it was the smugglers and the thieves of their own country: but that there is any very great difference between these last-mentioned troops, and a regular well disciplined militia, is what I cannot admit of; nor have the late troubles in Poland afforded me any reason to do so; for every one knows, that their militia were neither regular nor disciplined; nay, I doubt much if they were sufficiently provided with ammunition or arms: but the situation of this country is very far different from that of Poland; for though our militia have been very much neglected of late years, yet, before we could be invaded by any powerful armado, we should have time to discipline our militia, and to form them into regular regiments: it is very well known, that the Spanish Armado was above two years in preparing, and I believe there is not a nation in Europe besides ourselves, that could fit out such another in a shorter time. In two years, in the half, in the fourth part of that time, there is not a ploughman in Britain but might be made as good a soldier as ever danced through his exercises at a review; and if he should dance through his exercises for twenty years longer, without seeing action, he cannot be called a veteran, nor can it be supposed he will behave as such in the first action he happens to be in.

These considerations, my Lords, have always convinced me, that 7 or 8,000 men are sufficient to guard this island against any foreign invasions; and I am sure they will always be sufficient for the support of our government, as long as long as the affections of the people are carefully preserved; a greater number can never, in my opinion, be necessary, unless it be to support a wicked and oppressive administration, against the general resentment of the people; and this House will never, I hope, give countenance to any such design. From hence, my Lords, I must conclude, that we are for this next year to keep up 17 or 18,000 men, purely on account of the present war; and why we should as yet give ourselves so much concern, or put ourselves to such an expence about it, is what I cannot comprehend. We are, it is said, in a state of doubt and suspense; but were not we in the same state at the beginning of last session of parliament? Were not the consequences as the war as much to be dreaded at the beginning of that session as at the end, or as they can be at present? Nay, in my opinion, they were more to be dreaded at the beginning of that session that at any time since; for ever since than time the parties engaged have appeared to be pretty equally matched, and while they continue so, I am sure, the balance of power can never be supposed to be in danger; so that if his Majesty augmented his land forces, in pursuance of the power granted at the end of last session of parliament, it is so far from being a reason for agreeing to the augmentation now proposed, that unless I hear some better reason than I have yet heard for it, I must conclude, it was an unnecessary [augmentation, it was putting the nation to a needless expence; and therefore we ought to be so far from approving it, by making a new augmentation, that we ought to address his Majesty, to know who it was advised him to make the last.

With respect to the plan of peace said to have been offered to the parties now engaged in war, I am, my Lords, entirely in the dark; nor can any Lord, as a member of this House, draw any argument from it, because nothing relating to it, nothing relating to any of our foreign affairs, has been laid before this House. Whatever that plan may be, I wish it may meet with the desired success; but I am sorry to say, I have too good reason to doubt of its meeting with any success; for, from the view I have of foreign affairs, even from that view which I take from public newspapers, I am of opinion, the war now kindled in Europe cannot be so easily made an end of as some people imagine: before that flame can be extinguished, I am afraid much blood will be spilt, great princes must suffer, even queens must weep; the conduct of ministers must be enquired into, and some must meet with that punishment they deserve, before that flame can be extinguished which has been raised by their mismanagement.

But, supposing, my Lords, that we had

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been fully acquainted with this plan, supposing that we knew it to be reasonable and a good plan, do we think that his Majesty's measures, or any propositions he may be pleased to make to foreign powers, are to be enforced by an addition of seven or 8,000 men to his land forces? No, my Lords, his Majesty's measures are, upon all occasions, to draw their weight from the affections of his people, and from the sincere advices of his parliament, after we have been fully informed of our circumstances with respect to foreign affairs; for in case it should at last appear absolutely necessary for us to enter into the war for the sake of preserving the balance of power in Europe, all the men in the nation, able to bear arms, would be at his Majesty's service, and every purse would be open to him; but till that conjuncture happens, the strength and money of the nation ought to be husbanded as much as possible; the nation's money ought not to be thrown away upon useless augmentations, either by sea or land, which can no way intimidate our enemies, and may amuse our friends with vain hopes of assistance, when perhaps there is no such thing designed.

The Dutch, it is true, my Lords, did reduce their land forces to about 32,000 men, soon after the peace of Utrecht; but it is well known that the reduction they then made was too great, and was loudly complained of, even by some of their own provinces: at that time indeed there was almost a certainty, that the tranquillity of Europe would continue for some years; every nation in Europe was then groaning under the burdens which the former war had brought upon them, so that it was very improbable any one of them would soon think of disturbing the peace of any neighbouring state; and the Dutch, who had their share of the burden of the war, thought they might take advantage of that time of absolute security, to ease their people, and to recover a little from that burden of public debts they were then labouring under; yet even at that time, notwithstanding the state of absolute security which Europe was then in, the provinces of Guelderland and Overyssel, which lie most exposed, remonstrated strongly against the reduction then made, and never ceased their remonstrances till the treaty of Hanover happened, which afforded them an opportunity of pressing an augmentation with success; for, as the situation of that country is very different from the situation of this, it is at all times necessary for them to keep up a numerous army. They have the misfortune to be situated upon the continent, and may consequently be suddenly invaded by great armies; they have an extensive frontier to defend upon which they have above seventy fortified towns, and in every one of these they must keep numerous garrisons; so that 52,000 men is really the least number they can keep up, unless it be at some very extraordinary conjuncture, such as that which happened after the treaty of Utrecht.

Although, my Lords, there can be no just parallel drawn from the number of regular forces necessary to be kept up in Holland, yet let us consider what we did at the time the Dutch made this large reduction: did not we at the same time reduce our army to 7 or 8,000 men? and if at that time we had followed the example of the Dutch, we had reduced it to half that number: if any parallel then could be drawn between the Dutch and us, the additional 10,000 we now keep up, and which has been kept up for many years, ought to be set against the 20,000 additional forces raised by the Dutch upon the conclusion of the treaty of Hanover; and every man must grant, that it is more than our just proportion. But, besides this 10,000 which last year we agreed to keep up, for no other reason but only on account of the war then broke out in Europe, have not we made a most extraordinary addition to our naval force? Have we not now added no less than 22,000 men to the number of seamen we kept up the year before the war broke out? So that if we had actually reduced the 10,000 land forces kept up last year solely on account of the war, neither the Dutch nor any other of our allies could have said that we were behind-hand with them, in providing for the preservation of the balance of power in Europe. But, as the case now stands, we have taken such an alarm, and have put ourselves to such an expence, that all the powers of Europe seem to think we have done enough for them, as well as ourselves; and therefore neither the Dutch nor any other power of Europe, have given themselves the least concern, or put themselves to the least expence, about the preservation of that in which they are as deeply and more immediately concerned than we are.

If the balance of power, my Lords, were really in danger of being overturned,

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we ought to take other sort of measures than have as yet been taken. Our treaty with Denmark can make no new addition to the security of that balance, because the king of Denmark, by as solemn a treaty as can be made, was before obliged to assist the emperor with all his force: and, if the emperor could not depend upon that treaty, we can as little depend upon the treaty we have made, or any treaty we can make: but, upon the present emergency, our views should have been principally directed to another quarter; there is another power whose friendship and alliance will always add great weight to any of our negotiations upon the continent; and I am sorry to find there is not so good an understanding between that power and us, as ought to be wished upon occasions, but particularly, upon the present emergency. As we have been refused all insight into the affairs of Europe, or into any of our late negotiations, it is impossible for me to judge, whether the balance of power be in danger or not; but by the inaction of the Dutch, and by the indifference shewn by several other powers, with respect to the present war, I must conclude, that the balance of power is not, as yet, like to be in any danger; if it is not, and if we have no other concern in the war, I must then certainly conclude, that the great expences we have been at, as well as the additional expence now proposed, are quite useless, and can serve no purpose but that of overloading the people with taxes, and alienating the minds of his Majesty's subjects; which, instead of adding weight to his Majesty's negotiations, will frustrate all his measures for restoring the tranquillity of Europe, and will render the councils of this nation contemptible in the eyes of all our neighbours.

To pretend, my Lords, that we must always augment all our land forces when France augments theirs, is one of the most dangerous doctrines I ever heard delivered in this House; it may as well be said, that because the French have given up their liberties, and submitted their necks to the yoke of arbitrary power, we ought to do the same. What have we to do, for God's sake, with the armies of France? They may march great armies, into Holland, Germany, Italy, or Spain; but can they march an army into Great Britain, or into any part of our dominions? we know they cannot; and we likewise know they cannot transport any great number of forces by sea, nor can they transport any number but by stealth, as long as our fleet is superior to theirs: and, while we are united among ourselves, as long as his Majesty, or any of his illustrious family, shall retain the hearts and affections of the people, we have nothing to fear from any number that France could, by stealth, pour in upon us, though we had not a regiment of what are called regular forces in the kingdom.

Let us consider, my Lords, what it was that chiefly contributed to destroy the liberties of France: it was, my Lords, their fears of invasions from us; we had then large possessions in that country, from whence it was easy for us to invade them at any time; and the continual apprehensions they were under of invasions from us afforded their kings and ministers a pretence for prevailing with the people to alter the form of their military force: they altered the ancient establishment of their militia, and put the power over them entirely into the hands of the crown: this gave the first blow to the liberties of the people; for, soon after, their kings began to keep up regular armies, entirely dependent upon the crown; and as France was the first country of Europe where any such army was kept up, so the French were the first people in Europe that lost their liberties: if we should fall into the same error, if we should now, for fear of invasions from them, do what they formerly did for fear of invasions from us, we might expect our case would at last come to be the same; and then indeed they would have of us a full revenge; but we should be much less excusable, because their fears of invasions from us were real, and were founded upon experience, whereas our fears from them are so very far from being founded upon experience, that they must always be imaginary and ridiculous.

At last the question was put and carried in the negative, by 87 to 43.

The motion was made by the earl of Strafford, and was supported by the lord Bathurst, the earl of Aylesford, the earl of Chesterfield, the lord Carteret, and the earl of Winchelsea. It was opposed by the lord Hervey, the Lord Chancellor, the earl of Finlater, the duke of Newcastle, and the lord Hardwick.

Bill for Quartering Soldiers at Elections.] In consequence of the motion made by the lord Carteret (see p. 870) for an Address to his Majesty, "That he would

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be pleased to give directions to the proper officer or officers, to lay before that House, the several Allotments of Quarters which had been made for his Majesty's land forces in Great Britain, from the 25th day of March then last." These Allotments were accordingly laid before the House: and thereupon it was moved, and the Judges were ordered to prepare and bring in a Bill, for regulating the Quartering of Soldiers, during the time of Elections. This Bill was accordingly prepared by them, and presented to the House, being intitled An Act for regulating the Quartering of Soldiers, during the time of elections of members to serve in parliament; and was as follows, viz.

'Whereas, by the ancient common law 'of this land, all elections ought to be free: 'and whereas by an act passed in the third 'year of the reign of king Edward the 'first, of famous memory, it is commanded 'upon great forfeiture, that no man, by 'force of arms, nor by malice or menacing, 'shall disturb the freedom of any election: 'and forasmuch as the freedom of elections of members to serve in parliament, 'is of the utmost consequence to the preservation of the rights and liberties of 'this kingdom: to the end therefore that 'the same may be safely transmitted to 'posterity, and for the avoiding any inconveniences that may arise thereunto from 'any regiment, troop, or company, or any 'number of soldiers which shall be 'quartered or billeted within any city, 'borough, town or place, where any election of any member or members to serve 'in parliament, or of the sixteen peers to 'represent the peerage of Scotland in parliament, or of any of them, shall be appointed to be made.

'Be it enacted by the King's most excellent Majesty, by and with the advice 'and consent of the lords spiritual and 'temporal, and commons in parliament 'assembled, and by authority of the same, 'that when and as often as any such election shall be appointed to be made, the 'secretary at war for the time being (who 'is hereby required to take notice of the 'time appointed for such elections or election) shall and is hereby required, at 'some convenient time before the day appointed for such election, to issue and 'send forth proper orders in writing for 'the removal of every such regiment, 'troop or company, or other number of 'soldiers, as shall be quartered or billeted 'in any such city, borough, town or place, 'where such elections shall be appointed to 'be made: and every such regiment, 'troop, or company, or other number 'of soldiers as aforesaid, shall upon the receipt of such order, accordingly march 'out of every such city, borough, town or 'place, one day at the least before the day 'appointed for such election, to the distance of two or more miles from such 'city, borough, town or place, and shall 'not make any nearer approach to such 'city, borough, town or place as aforesaid, 'until one day at the least after the poll 'to be taken at such election shall be 'ended, and the poll-books closed.

'And be it farther enacted by the authority aforesaid, That, in case any officer or officers to whom such order, from 'the secretary at war for the time being, '(or other person to whom the issuing out 'such order as is aforesaid shall belong) 'shall be directed and delivered, shall neglect or refuse to cause such regiment, 'troop or company, or other number of 'soldiers so quartered or billeted, as 'aforesaid, to march out of such city, 'borough, town or place, at the time and 'to the place or places in such order specified, and shall be thereof duly convicted upon an indictment, to be preferred at the next assizes or sessions of 'Oyer and Terminer, to be held for the 'county where such offence shall be committed, or an information to be exhibited 'in the court of King's-bench, within six 'months after such offence committed: 'which information the said court of 'King's-bench is hereby impowered to 'grant; every such officer shall, for every 'such offence, be forthwith cashiered and 'displaced from such his office, and 'shall be thereby disabled to have or hold 'any civil or military office or employment 'within this kingdom, or in any of his Majesty's dominions, and shall likewise 'forfeit And if any officer or soldier, 'who shall be ordered or directed to march 'out, as aforesaid, shall be found in any 'such city, borough, town or place, during 'the continuance of such election, as 'aforesaid, and shall be thereof duly convicted, upon an indictment to be preferred at the next assizes or sessions of 'Oyer and Terminer to be held for the 'county where such offence shall be committed, every such officer shall for every 'such offence, forfeit the sum of

'Provided nevertheless, that nothing in 'this act contained shall extend, or be

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'construed to extend, to the cities of 'London or Westminster, or the borough 'of Southwark, for and in respect of such 'number of troops and soldiers only, as 'are usually employed as guards to his 'Majesty's royal person, or are usually 'quartered or billeted near to the place of 'his Majesty's residence, nor to any city, 'borough, town or place, where his Ma'jesty, or any of his royal family shall 'happen to be or reside at the time of any 'such election, for or in respect of such 'number of troops or soldiers only, as shall 'be attendant as guards to his Majesty, or 'to such other person of his Majesty's 'royal family as is aforesaid; nor to any 'castle, fort or fortified place, where any 'garrison is usually kept, for or in respect 'of such number of troops or soldiers only 'whereof such garrison is usually com'posed.

'Provided likewise, that nothing in this 'act contained, shall extend or be con'strued to extend to any officer or soldier, 'who shall have a right to vote at any such 'election as aforesaid; but that every 'such officer and soldier may freely and 'without interruption, attend and give 'his vote at such election, any thing herein 'before contained to the contrary thereof 'notwithstanding.'

*Debate in the Lords on the Bill for Quartering Soldiers at Elections.**] April 15. The House of Lords went into a committee on the above Bill, and the first enacting Clause being read,

The Earl of *Anglesey* stood up and took notice, 'That if none but the Secretary

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* *The following is the Account of this Debate contained in* ARCHBISHOP SECKER'S MANUSCRIPT REPORT; *as to which see the* INTRODUCTION *to this Volume.*

April 15. In the Debate about removing Soldiers at the time of Elections.

Newcastle. I desire it may be recited, that this hath been the custom, and ordered that it be continued.

Abingdon. The Preamble in public bills is not to be fixed before the bill.

Anglesea. What if there be no Secretary at War! It will not be sufficient to say the person that officiates: Therefore let it be the oldest officer in the army or the Secretary of State.

Newcastle. The Secretary of State knows nothing of these things.

Bathurst. The Secretary of State, or Chancellor of the Exchequer.

Talbot, C. Supposing a designed vacancy for bad purposes is carrying suspicions too far. To enjoin this on any other officer with a penalty would be hard: and appointing Civil Officers to act for military purposes is perverting every thing.

Carteret. The Secretary at War should receive orders from the Captain General if there be one: and the Chancellor who seals the writ should be appointed to give notice at the same time.

Abingdon. The Secretary at War was not heard of before Jac. 2. though necessary now: and he hath encroached upon the Secretary of State.

Scarborough. This office will be necessary as long as we have troops. There is no office [*i. e.* clerks, &c.] belonging to the Chief Officer of the army, nor is he always residing in London: and the Secretary of State hath business enough of his own. Whoever would advise removing a Secretary at War for bad purposes, would advise removing a Secretary of State.

Newcastle. Leave out the obligation upon the soldiers to march away: obedience to this order will stand upon the same foot with obedience to any other order.

Carteret. Officers are liable by the Mutiny Bill only for military crimes, and in this case only by a court martial, which the government may not think proper to give orders for.

Bathurst. If the obligation to march away be left out, an officer may march his men in when called by somebody that he thinks proper to obey, and a court martial will say he did well: now it is not desired that there should ever be an interposition of soldiers.

Warwick. Consider the case of an insurrection, an invasion, a great mob doing great harm. I am against the Bill intirely.

Aylesford. There is a mob oftener when one side are sure of being supported by soldiers. If there be a mob, there is a riot act by which persons may be punished.

Chesterfield. Disobedience in this case is a civil crime. The officer may be a candidate himself: in that case, a court martial is not so proper. If the Secretary at War send orders but not in the King's name, they are subject to no penalty.

Cholmondeley. The Secretary at War is a privy counsellor. In ordinary cases a letter from the Secretary is looked upon as an order from the King. With these restrictions and penalties no officer will venture to the place of election when the civil magistrates require him. Yet then he is bound.

Scarborough. Then he must disobey the magistrate or the Secretary at War. Let the thing be made certain some way; that the officer may know what to do.

Newcastle. I will retract my motion, and desire that the Judges may prepare a new clause.

Hardwicke. It may go with the amendment proposed. They will be liable to be indicted by common law and a jury, which is the proper way: liable to be fined more severely

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at War should be obliged to send orders to the soldiers to withdraw at the time of an election, the intention of the Bill might be easily defeated; because if any future minister should have design to over-awe any election, or any number of elections, he might get the Secretary at War removed just before the elections came on, and no new one appointed till after they were over; and as the bill then stood, any other person acting as Secretary at War, might refuse to issue such orders, by which the intention of the Bill would be defeated; therefore he would propose, that after these words, 'The Secretary at War for the time being,' the following words should be added, viz. 'Or such other Person to whom it shall belong.' Which Amendment was agreed to without any debate.

Then a motion was made for leaving out the second enacting Clause, and consequently these words in the first clause, viz. 'And every such regiment, troop or 'company, or other number of soldiers, 'as aforesaid, shall upon the receipt of 'such orders accordingly march.' This occasioned a strenuous debate, in which the Argument for the motion was in substance as follows:

My Lords; By a Bill which we have this session passed into a law, I mean the Bill against mutiny and desertion, and the articles of war which are settled and signed by his Majesty, in consequence of that Bill, we know, that every officer is obliged, under very high penalties, to obey all such orders as he shall receive from his Majesty's secretary at war, or any person acting as such: therefore I must think it very unnecessary to lay the officers under any new obligation, for giving obedience to those orders that are by this Bill to be sent him from the secretary at war, with respect to his removing from any place where an election is to be. For this reason, my lords, I am of opinion, that the second enacting clause of this Bill, which is next to be read to your lordships, ought to be entirely left out, and instead thereof a clause inserted, for laying penalties upon the secretary at war, or other person acting as such, who shall refuse or neglect to issue orders, as directed by this act; and if your lordships agree with me in this opinion, you must of course leave out of the clause now read to you these words, to wit, 'And every such regiment, troop or 'company, or other number of soldiers as 'aforesaid, shall upon the receipt of such 'orders accordingly march.'

If any officer, my Lords, should disobey the orders sent him upon any such occa-

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than by this Bill. This will be better than to oblige or authorize them to come at the call of magistrates who are always in some interest: for then there can be no consideration of the occasion.

Carteret. The officer can be tried by common law if he commit a riot: not else. But this Bill is against him if he stays in his chamber. It is designed by this law to fix penalties to what was law before. That the soldiers shall march away from the place of election is the birthright of the subject.

Talbot, C. There is no law for taking troops from places of election: and an express law against their being there would leave no room for cases of necessity. They will now be punishable for being there by martial law if the crown thinks proper, and by common law for doing any thing amiss there. There are difficulties in all ways, and this, perhaps, is the reason why there hath been no bill of this kind sooner. But this Bill will obviate them, as far as it can be done.

Winchelsea. A few troops are no security against an invasion: and leaving any is the way to promote riots: time of war will be an exception of course. The danger to be provided against is in time of peace.

Carlisle. I am for this Bill because it is brought in. But they have great merit who have practised it without law and been a law to themselves.

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Newcastle. Insert, That it hath been constant usage.

Carteret. I am doubtful if this be true: there are complaints that it hath not been done, and complaints are not always made when there is ground for them.

Talbot C. If it hath been so much practised as to make it law, which was the opinion of the lord who spoke last, it may well be called constant practice, and it ought to be inserted to the credit of the administration, for there are persons willing to judge hardly.

Chesterfield. The Scotch election is an instance to the contrary: sometimes there is no opposition, and so the troops are not withdrawn.

Cholmondeley. When all arts have been used to make an assersion believed which is not true, it should be contradicted in a Bill made about it.

Newcastle. Leave out the word 'constant.'

Carteret. It is no merit in the ministry or crown that they have taken away the troops. It was caution and that craft hath often been dangerous. We will keep the forces quiet, else they will be reduced. I should be glad they had appeared publicly.

Bathurst. Why not enlarge the compliment, and say whereas the whole of this administration hath been good, &c.

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sion by the secretary at war, he might be tried by a court-martial, and subjected to the punishment of mutiny, which is a much more severe punishment than any, I believe, your lordships intend to inflict by this Bill; therefore it is very unnecessary, nay it would even seem a little ridiculous to make a new law, for inflicting a punishment less severe than that which is inflicted by a law we have already passed this very session of Parliament; and it would be a great hardship upon officers to subject them to so many different sorts of trials for one and the same crime: besides, my Lords, the regulation, as it stands at present in the Bill, might be attended with very great inconveniences; for, if every officer were laid under an absolute necessity, not only to remove out of the town, but not to return to it upon any account during the time of an election, it would be impossible for the civil power to have the assistance of the troops in case any great tumult or riot should happen at an election: nay, the enemies of the government might take the opportunity of an election for a new Parliament, to assemble and form themselves into great bodies, at those places where they knew the troops could not come to disturb them, by which means they might be enabled to begin a general insurrection, and might come to a very great head before his Majesty could make any use of those troops which are given him by Parliament, for preserving the tranquillity of the kingdom: even our enemies abroad might take an occasion to invade us, and to land their troops at some of our towns upon the sea coast during the time of an election, when, if this Bill as it now stands should pass into a law, none of his Majesty's troops could come within two miles of the place, to dispute or prevent their landing.

These considerations, my Lords, convince me, that no one of your lordships will be for allowing this clause to stand as it is in the Bill, without making some conditional provision or exception; and I cannot comprehend how any such can be made, without subjecting the nation to greater dangers than those we propose by this Bill to avoid; for if we make an exception, that the troops shall leave the town, and shall not return, unless some great danger happens, or is to be apprehended, we must give a power to some person or other to judge when that condition exists; and where to lodge this power, does not to me seem easy to determine: to lodge such a discretionary power in the returning officer, or in any other magistrate of a little borough, would certainly be of the most dangerous consequence to the freedom of elections; and it would be as dangerous to lodge it by an express law in the breast of the returning officer. Thus, to make this restraint absolute, may embroil the nation in civil wars, and to make it conditional may endanger the freedom of our elections; for which I must think it much better to lay the officers under no restraint or obligation, but that which they are now under by the martial law, and the Mutiny-Bill we have already passed: by them the officers will always be obliged to obey the orders they receive from the secretary at war, unless some very sudden and unforeseen accident makes it absolutely necessary for them to act otherwise; and in acting otherwise, they will always be extremely cautious, because if they are not able to make the necessity clearly appear, they will thereby subject themselves to the laws against mutiny.

I know, my Lords, it may be said, that as trials by court-martial are very much under the direction of the crown, though an officer should, on occasion of an election, disobey the orders he had received from the secretary at war, it would be in the option of the crown, or the ministers of the crown, whether or no he should be tried before a court-martial for such disobedience; and consequently that some officers would be ready to disobey them, as often as they knew that the orders were sent only in obedience to the law, but that it was not intended or expected they should obey them; but it is certain, that no officer would venture to disobey such orders without private instructions in writing, under the hand of some superior minister; and to suppose that any minister would venture to give such instructions under his hand in writing, or that many officers would observe such private instructions, are suppositions which, in my opinion, there is not the least ground to make; nay, I think it is almost impossible for us to make any such, if we consider, that if any officer should behave in such an illegal manner, or if any such private instructions should ever be divulged, a complaint would certainly be made in Parliament against such officer or such minister, and both might expect the highest punishment the Parliament could inflict.

But, my Lords, suppose that an officer

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could, in such case, hope to evade all punishment before a court martial or in Parliament, yet even as the law stands at present, he could not hope to evade all manner of punishment; for if any officer should remain in, or return to any town, during the time of an election, and should make use of the troops under his command for over-awing the election, he might be indicted even at common law upon the statute of Edward 1, called Westminster the first; by the 5th chapter of which it is declared, that no man shall by force of arms, by malice, or by menaces disturb the freedom of any election, under the pain of grievous fine and imprisonment; which is so severe a punishment, that it is not to be supposed any officer would subject himself to it, at the desire of any minister, especially, if such officer were a gentleman of fortune and figure in his country, as most of our officers are at present, and I hope always will be.

I hope, my Lords, I have now clearly shewn, that there is no necessity for laying the officers of the army under any of the restraints or penalties proposed by this Bill, because they are already under as great restraints and penalties, as can be supposed necessary for preventing their attempting to over-awe any election, either by staying in, or returning to, the place where there is an election, or by making use of the troops under their command, for disturbing the freedom of the election; and as it must be granted, that the restraints proposed by this Bill would expose us to great dangers and inconveniences, therefore I doubt not but your lordships will agree to the amendment I shall propose upon reading the next clause; and for this reason, you must agree to leave out those words which I have proposed to be left out of the clause now before you.

It was answered to the following effect:

By the Amendment now offered, my Lords, the intention of the present Bill, and indeed of all such Bills, seems to be very much misunderstood; for it is certain, that all Bills of the same nature with that now before us, are designed as limitations and restrictions upon the power of the crown, or rather upon the power of ministers acting under the crown. During his present Majesty's reign we are certain, that no encroachments will be made upon the freedom of elections, by means of the army, or by any other means; but this ought not to prevent our making such regulations, as may appear necessary for preventing such encroachments in any future reign; and as it has always been supposed, that troops quartered, or remaining in any town, during the time of an election, might be some sort of encroachment upon the freedom of that election; therefore, ever since we had any such thing as a standing army in this island, the ministers of the crown have thought themselves, in common prudence, obliged to order the troops to remove from every town, where there happened to be an election, and not to return to that town till the election was quite over. This has hitherto been left to the prudence and discretion of the ministers for the time being; and the reason of doing so was, that we have never yet been certain, that a standing army would be kept up for any succeeding year; but now that we have continued a numerous standing army for so many years, and are like to continue it for years to come, it was thought proper not to leave that to the prudence of ministers, which might, in some future reign, be made use of for the overturning of our constitution; and therefore this House agreed to the motion which was made, for ordering the judges to bring in the Bill now before us: for this I must think, my Lords, that it was the opinion of this House that we ought, by an express law, to put it out of the power of any future administration, to neglect doing that, which all former administrations have, in regard to our constitution, thought themselves, in common prudence, obliged to do.

This, my Lords, was certainly your opinion, when you agreed to the order for bringing in this Bill; but from this opinion we must now depart, or we must disagree with the noble duke in the amendment, which he has been pleased to offer; for if your lordships design by a new law, to lay a restriction or limitation upon the ministers of the crown, the execution of that law is not surely to be entrusted with those upon whom that restriction or limitation is designed to be laid; which would be the case, if the motion now made to us should be agreed to. It is true, the officers of the army are, by the Mutiny Bill and the Articles of War, obliged to obey such orders as they may from time to time receive from his Majesty's Secretary at War, and, in case of disobedience, they are subjected to very great punishments; but for this disobedience, they are to be tried only by a court-martial, and whether

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any such court shall be appointed, or whether such an officer shall be tried before such court when appointed, is entirely in the power of the crown, or more properly of the ministers acting under the crown, who are the very persons whose power was designed to be limited when this Bill was proposed. Can we then suppose, my Lords, that an officer who disobeyed such orders at the desire of a chief minister, would ever be brought before a court-martial, or tried for such disobedience? Your lordships cannot surely suppose any such thing; and therefore you cannot, in my opinion, agree to the amendment now proposed, unless you have departed from the design you had, when the order for bringing in this Bill was agreed to.

But farther, my Lords, let us consider who are the judges upon every court-martial; they are all officers of the army, judges, whose commissions depend absolutely upon the pleasure of the crown; and shall we leave any thing relating to the freedom of elections, upon which the preservation of our constitution so much depends, to be tried only before such judges? The noble duke has told us, that an officer may, upon any sudden and unforeseen emergency, disobey, or act contrary to, the orders he receives from the secretary at war; and, is it not to be presumed, that a court-martial, composed of such judges, will admit of any emergency, as a sufficient excuse for disobeying such orders, when they know that such disobedience proceeded from private instructions, given by a principal minister of state? Surely we have not yet forgot what was one of the principal grievances complained of before the revolution: what was one of the first things redressed by the revolution: The general complaint was, and it was a complaint but too well grounded, that the judges commissions were all during pleasure; and therefore they were too apt to follow the directions they received from the crown, in any affair, where the ministers thought fit to give directions: have we not then good reason to be afraid that the judges upon a court-martial may, in future times, do as other judges during pleasure have done in times past? And shall we leave an encroachment upon the freedom of our elections, to be punished only by such judges? Your lordships did not certainly intend any such thing, when you gave orders for drawing up the Bill now brought before us; and therefore the learned judges have very wisely drawn it up, in such a manner as to subject the disobedience of an officer, in the case now before us, to a trial at common law, which is the only method by which the Bill can be made effectual.

That the subjecting of an officer to several sorts of trials for the same crime, would be a hardship upon the officers of the army, cannot, my Lords, be an argument of any weight, when we consider that the preservation of our constitution is in the other scale: it has, in many cases, been thought necessary to subject the gentlemen of the army to be tried by the common law, as well as by a court-martial: even by the mutiny-bill itself, if any officer or soldier shall take quarters against law, or shall disturb his quarters, he is made liable to be tried by the quarter-sessions; and if, upon such trial, he be found guilty, if an officer, he is to be immediately cashiered: and I hope your lordships will think that an officer's disturbing the freedom of an election, is an affair of greater consequence than that of disturbing his quarters; and that therefore you will not think it a hardship to subject him to a trial at common law, in the one case as well as the other.

As to the dangers and inconveniences to which it is pretended we may be exposed, by laying officers under an absolute necessity of removing from any place where there is to be an election, and not returning till that election be over, they are founded, my Lords, upon suppositions, I am sure much more unreasonable than that of supposing, that some minister may hereafter do what he ought not to do: for to suppose that any such number of men can meet at any election, as may endanger the government; to suppose that all those men are such as will risque their lives and their fortunes, by joining in an insurrection; to suppose that they are all regularly armed and prepared for war; and to suppose that this concert can be carried on without the government's hearing a word of it before the day of election; is carrying suppositions, I must say, a great length, and endeavouring to persuade us, to leave ourselves exposed to real dangers, by frightening us with those which are altogether imaginary. Then, with respect to invasions, to suppose that an invasion may be made, and the troops landed just at the time, and at the very place where an election happens to be carrying on, we must first suppose, that

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an express has gone over to let the enemy know the day appointed for the election; that, after their receiving this account, they embark their troops, sail, and meet with such a favourable wind as to bring them directly to the place where the election is, on the very day it begins, or within a few days after; and to suppose that all this may be done in such a short time as what usually intervenes between the appointing of the day of election, and that day's coming on, is really carrying suppositions a most extravagant length. But, my Lords, if these were suppositions that could be made, they would be of no weight in the present debate: for it is in all cases a certain maxim, that 'Inter arma silent 'leges:' upon any such occasion, the troops not only might, but ought to march into the town where an insurrection or invasion happens, notwithstanding its being at the time of election, notwithstanding the law now proposed, and notwithstanding any law that is or can be made: in times of such danger, men are always indemnified for what they may be obliged to do against the letter of the law, and a particular act of parliament for that purpose, has always been passed as soon as the danger was over.

As for any little riots or tumults that may happen at the time of an election, I cannot see, my Lords, why there is any more danger to be apprehended from them now than there was formerly, when we had no such thing as regular troops, either to prevent their happening, or to quell them when they did happen. In former times, the civil power was always found sufficient for preventing riots, or for quelling them and punishing the authors of them; and considering the severe law against riots, which was lately made, and is still in force, I am sure it cannot be said, that the civil power is now less sufficient for that purpose than it was formerly. Besides, my Lords, we all know, that a riot or tumult at an election makes it a void election; therefore it is always the business of those who have the strongest party, to endeavour to prevent all such; and indeed there is seldom or never any great riot happens, but what is occasioned by those who have a mind to make the election void, or by the magistrates, who preside at the election, doing some signal injustice to the electors. But supposing that there may happen now and then a few broken heads or bloody noses at an election, are we, on that account, to have all our elections carried on under the terror and influence of a regiment of soldiers? Or are we to give them a pretence to be present at all our elections, or to give every little magistrate, or perhaps, a custom-house officer, a power to call them in when he has a mind?

Even the noble lords who have spoke for the amendment, seem to think it dangerous to give by law, to any returning officer, or magistrate of a little borough, a power to call in the troops during the time of an election whenever he pleases; and they likewise seem to think it dangerous to give, by law, a power to the officers themselves to remain in, or return to, the place where an election happens to be, whenever they think it necessary; yet by the amendment they propose, the commanding officer for the time, is to be vested with this very power: the secretary at war, indeed, is to be obliged to send his orders for the troops to remove: but, as the noble Lords themselves have explained it, the commanding officer may disobey these orders in case of any sudden and unforeseen emergency, without running any risque of being tried or punished by a court-martial for such disobedience; and we may depend on it, that such emergencies will never be wanting, when a prime minister has a mind that the troops should remain in, or return to the place where an election is carrying on: nay, it will always be in the power of any returning officer, or magistrate of a little borough, or of any custom-house or excise officer, to furnish the commanding officer of the troops with such an emergency; for we know that the troops have always a general order to be assisting to the civil power, and likewise to all officers of the revenue; and therefore the returning officer may at all times pretend that he is apprehensive of a tumult, and may demand the assistance of the troops; or a custom-house or excise officer, may demand their assistance in seizing or searching for smuggled goods; and this will be a sudden and unforeseen emergency, that will always excuse the commanding officer of the troops, for disobeying the orders he receives from the secretary at war, when any prime minister but insinuates, that such excuse should be admitted of by the court-martial, in case the officer should ever be brought to a trial for any such disobedience.

I am really surprized, my Lords, to find those who are so apprehensive of insurrec-

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tions and invasions, and so very apt to suppose dangers from thence arising, at the same time shewing themselves so very little apprehensive of the designs of future ministers, and so unwilling to suppose, that the constitution of this kingdom and the liberties of the people, can ever be in any danger from such designs. I am sure, my Lords, there is nothing more natural, than to suppose, that we may have, in some future reign, an ambitious, rapacious, or wicked minister; and as the safety of such a minister can consist in nothing so much as in destroying the freedom of our elections, we must necessarily suppose that he will leave no stone unturned for accomplishing that wicked purpose; therefore we must likewise necessarily suppose, that he will send such private instructions, as have been mentioned, to the commanding officers of the troops, in all places where he cannot influence the election by any other illegal means; and as such a minister may probably have the sole management of his master, it is well known what lengths some officers may go, rather than risque their commissions by disobeying his private commands, or in order to recommend themselves to his favour for preferment: such an illegal obedience to ministerial instructions is not, indeed, to be apprehended from the present officers of our army, but they are not immortal; and we do not, we cannot know by what sort of men they may be succeeded; therefore I think it is absolutely inconsistent with the preservation of our constitution to leave those officers, who may hereafter encroach upon the freedom of our elections, to be tried only by those who may be guilty of the same crime, and at the sole pleasure of those whose interest it may be, whose safety may depend upon it, either not to try them at all, or to try them only in order to acquit them.

A prosecution in parliament is not to be apprehended, my Lords, either by officers or ministers, when by such illegal means they have got a parliament to their own liking; and as to officers being subject to a trial at common law, upon the statute of Edward the 1st, I must observe, that if an officer or any other, should commit a breach of the peace, by openly endeavouring to over-awe an election, or by openly intimidating any returning officer or elector, he might be indicted, tried and punished at common law upon that statute: but no officer or soldier can be indicted, tried and punished at common law, by virtue of that or any other statute, for not removing from the place, or for returning to the place, where an election is carrying on; and the design of this Bill is, at least I always took the design of it to be, to prevent the officers or soldiers being present in any town or place upon any such occasion: for if they are allowed to be present, they may fall upon twenty ways to influence, and even to over-awe the election, without its being possible to prove any overt act against them, so as to indict them at common law upon the statute of Edward the 1st.

This was, my Lords, what made the Bill now before us necessary; the design of the motion, was, and when your lordships agreed to that motion, I must think your design was, to make it criminal in any officer or soldier, to be present in any place during the time of any election, unless he was there as an elector; but if your lordships agree to the amendment now proposed, you alter the whole intention of the Bill; you make it indeed criminal in the secretary at war, not to issue such orders as are directed by the Bill, but you do not make it criminal in an officer or soldier to be present in any place during the time of an election; at least, you do not make it a crime for which he may be legally tried at common law: nay, in my opinion, it will not be so criminal, after the passing of this Bill, as it was before; for, before the bringing in of this Bill, an officer did not know but that he might be brought to a trial at common law, if he remained in any town, or returned to it during the time of election: whereas hereafter, if he brings his regiment, troop or company to the very place of election, and plants centries to attend the poll-books, he knows how he is to be tried; he is to be tried by his brother-officers in a court-martial, and I do not know but their sentence may be pleaded in bar, to any future indictment brought against him upon the statute of Edward the 1st; for what interpretations may hereafter be put upon this last law, cannot now be so easily determined: and therefore I hope, your lordships will pass the Bill in the same shape the learned judges have brought it in, unless some more convincing reason than any I have yet heard should be given, for turning it into a shape very different from that in which it is at present.

The Reply was in substance as follows:

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My Lords; What was the design of other lords, when they moved for, or agreed to, the order for bringing in this Bill, I shall not pretend to determine; but all I thought was intended, either by the motion or order, was, to lay ministers, in time to come, under a legal obligation of doing that which ministers in time past have always done without any obligation, but what arose from the great regard they have always shewn to the freedom of our elections. From this regard, care has always hitherto been taken, when there was to be an election at a place where any troops were quartered, to send orders for the troops to remove to some other place during the time of the election; and all I expected was to be done by the law proposed, was, to enact, that such orders should always be sent upon every such future occasion. This was my only design when I agreed to the order for bringing in this Bill; and this design would be fully accomplished by the Bill when amended as has been proposed. I never indeed once imagined that the officers and soldiers should be absolutely banished from any such place during the time of an election; I could not imagine, that it was to be made highly criminal in any officer to appear as a private gentleman in any such place, in order to visit his friends in the town, or to drink a glass with any gentleman of his acquaintance who might perhaps come into town upon that occasion; and I must think, that the passing of such a law would really be doing them a very great injury; it would be treating them as enemies, not as subjects; whereas, while our army continues upon its present footing, I think both the officers and soldiers ought to be looked on, not only as subjects, but as subjects as much concerned as any other in the preservation of our constitution and of the freedom of our elections.

I was likewise, my Lords, far from supposing, or ever designing, that it should, by law, be put absolutely out of the power of the troops to remain in the town, or to return to the town where an election happened to be, even in a case of the utmost necessity and danger; for, though I do not think we need be at present under any very great apprehensions of insurrections or invasions, yet I think we ought not to pass a law, which may tend directly to encourage them: it cannot, it is true, be supposed, that any such great number of men can meet at any one place of election, as may endanger the government; but such a great number may meet in a few days at the place of an election, and may form themselves into such a regular body, if they have but two or three days time for that purpose, as to put it out of the power of the troops in that neighbourhood to disperse them; nay, to oblige the troops in that neighbourhood to march off and leave them; by which means two or three such bodies of men, formed at different places in the time of a general election, may be able to join together, and thereby form such a body as might endanger the government; then as to invasions, the very day of an election at any of our sea-port towns, cannot indeed be known till after it is appointed; but after the writs are issued for a new parliament, the days of election may be nearly guessed at, and a foreign enemy, by good intelligence, might very easily take their measures, so as to come to land at some of our sea-port towns on the very day of election; upon such an emergency, the officer would certainly be excused if he marched his troops into town, in order to attack them; but till they began to land, he would not venture the breach of such a severe law, and after their having began to land, it would be too late for him to march from the quarters assigned him during the time of election, which might probably be at three or four miles distance from that town.

With respect to tumults and riots, my Lords, the reason of the severe law against them is very well known, and may be remembered by several of your Lordships: at that time, even with the assistance of the regular troops, the civil power was seldom or ever able to quell the riots and tumults that happened, till after they had done much mischief; and if the regular troops were quite out of the case, I am convinced we should, at many elections, have such tumults as could not be soon quelled by the civil power, though now armed with such a severe law; for your lordships must consider, that such tumults or riots are seldom made, by those who have a right to vote at any election; and it often happens that those candidates, who have the majority of the mob upon their side, have the majority of legal voters against them; at all which places, it is probable, we should have dangerous and very mischievous tumults, if the mob were assured, that the regular troops could not be brought against them: they would very much despise the proclamation against riots, if they knew that there was no armed force, suffi-

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for putting the law in execution, after that proclamation was read.

As it might be of the most dangerous consequence, by an express law, to lay an absolute and a peremptory obligation upon the troops, not to remain in, or return to, any town during the time of an election, notwithstanding the greatest necessity and danger; so, my lords, it might be of the most dangerous consequence, by an express law, to give a power to the troops to remain in, or to return to such a town, whenever they thought there was any necessity for their so doing; but I hope your lordships will consider, that there is a very great difference between a power given by act of parliament, and that power which arises from the immediate necessity a man is under; in the first case, the prosecutor must shew, that the person prosecuted exceeded the power given him by law, which, in many cases, could not be so easily done; in the last, the person prosecuted will certainly be condemned, unless he can shew, to the satisfaction of the court, the necessity he was under: Thus, by the amendment now proposed, the secretary at war is to be obliged to send his orders to the troops to remove; and, by another law passed this session, the troops are obliged, under very severe penalties, to obey those orders; nothing then can excuse their disobedience, but some very unforeseen and dangerous emergency, and that emergency must be made appear to the court, by the officers who are guilty of such disobedience.

I am as sensible, my Lords, and as much apprehensive of the dangers to which we may be exposed, by the designs of wicked ministers, as any lord in this House, and shall always be for using all proper precautions against the designs of such. For this reason I agreed to the bringing in of this bill; and as I am of opinion that the amendment now offered, will not derogate in the least from its efficacy against such designs, therefore I can make no difficulty in agreeing to it; for by the bill, when amended as proposed, it will be impossible for any minister to encroach upon the freedom of our elections, by means of the army, unless we suppose all the officers of our army so abandoned, as to sacrifice their honour, their conscience, and their country, to the favour of a minister; which is a supposition, I am sure, we have no ground to make from past experience: as the officers of our army must always be subjects of Great Britain, we cannot suppose such a general depravity of manners among them, without supposing the same depravity among all other ranks of men in this kingdom; and against such a depravity it is impossible to provide: ministers will always have it in their power to betow preferments and rewards, upon judges at common law, as well as upon officers of the army; and in case of such a general depravity, we must suppose the former infected with it as well as the latter; in which case the freedom of our elections would be no better secured, by subjecting the officers to a trial at common law, than by subjecting them to a trial before a court-martial.

It is true, my Lords, it has always been thought improper to have regular troops in any place where an election is carrying on; and in this general opinion I readily join; I do think it is improper, but I cannot think it quite so dangerous as it has, in this debate been represented; for really I cannot well form to myself an idea of any practices that either officer or soldier could be guilty of, for over-awing, or encroaching upon, the freedom of an election, without exposing themselves to an indictment upon the statute of Edward the first. I am sure, if they threatened any elector, or, by force, prevented any elector from coming to give his vote, that elector would be a good evidence for the king; upon his single oath, a bill of indictment would probably be found by the grand jury; and I do not know but upon his single evidence, if corroborated with any circumstances, they might be found guilty upon the trial; so that I am apt to believe, it would be impossible for the officers or soldiers, to make use of any such practices, as would be effectual for over-awing, or giving a turn to an election, without exposing themselves to a certain danger, not only of being prosecuted, but of being convicted at common law, upon the statute I have mentioned; and therefore, unless we suppose a minister to have the direction of our courts of law, as well as of our courts martial, I doubt much if he could prevail upon many officers to join with him, in over-awing or encroaching upon the freedom of our elections.

That the Bill now before us, or the Amendment proposed, should in the least derogate from the Statute of Edward the first, is what I cannot, my Lords, apprehend: If an officer disobeys the orders of the secretary at war, and remains in, or

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returns to, any town, during the time of an election, he is, for such disobedience, to be tried by a court-martial; but for any encroachment upon the freedom of an election, he is not surely to be tried by a court-martial; and therefore no trial by a court-martial can ever be pleaded in bar, to an indictment upon the statute of Edward the first. By that statute, he may still be tried at common law, if he openly encroaches upon the freedom of any election; and by the Bill now before us, when amended as proposed, he may be tried by a court martial, and severely punished, if he keeps the troops in the town, or returns to the town where an election is carrying on, without a very immediate necessity for his so doing: by these two methods, I think, the freedom of our elections will be sufficiently secured, against all encroachments from our army; and therefore I shall be for agreeing to the amendment proposed.

The question being then put for agreeing to the Amendment, it was, upon a division, carried in the affirmative, by 70 to 35.

The motion for the Amendment, was made by the duke of Newcastle, and supported by the earl of Cholmondeley, the earl of Warwick, the lord Hardwick, and the Lord Chancellor: it was opposed by the earl of Aylesford, the earl of Abingdon, the earl of Anglesea, the earl of Chesterfield, the earl of Scarborough, the lord Onslow, the earl of Winchelsea, the lord Bathurst, and the lord Carteret.

At last the Preamble of the said Bill was read, and a motion was made, that these words, viz. 'To the end therefore 'that the same may be safely transmitted 'to posterity, and for the avoiding any in-'conveniences that may arise thereunto, 'from any regiment, troop or company, 'or any number of soldiers, which shall 'be quartered or billeted within any city, 'borough, town or place, where any elec-'tion of member or members to serve in 'parliament, or of the sixteen peers to re-'present the peerage of Scotland in par-'liament, or of any of them, shall be ap-'pointed to be made,' should be left out; and that, instead of them, these words, viz. 'That it hath been the constant usage and 'practice, to cause any number of soldiers, 'quartered in any place appointed for 'electing members to serve in parliament, 'to remove out of the same during the 'time of election,' should be substituted.

Upon this motion there was another debate, in which the Argument for the motion was in substance thus:

My Lords; I have joined heartily with your lordships, in every step that has been taken, towards the bringing in and passing the Bill now before us, and shall be ready to join in every future step, that may be necessary for completing so good a work; but, my Lords, there is one consideration that has all along given me a good deal of concern; and the present I take to be the proper time for explaining myself to your lordships, and for offering something to obviate the only inconvenience that is to be apprehended from the bill, as it now stands. It is an opinion, my lords, that almost universally prevails without doors, that no bill of this nature is ever brought into parliament, much less passed into a law, but for remedying some grievance that has been felt and complained of. It is true your lordships may, and do often, from your prudence and foresight, order bills to be brought in, and pass laws for the preventing of grievances in time to come, though no such grievance has before been felt or complained of; but those who are not acquainted with your method of proceeding in this respect; those who are unacquainted with the motives, which may have induced you to bring in or pass any such bill; are always more apt to impute it to your experience, in times past, than to your precaution for time to come: this consideration has, all along, given me great concern; I am afraid that evil-minded people may, from our passing of this bill, take occasion to throw unjust reflexions upon his Majesty's government, as if some use had lately been made of the troops, for over-awing or encroaching upon the freedom of elections; and as there is still a party in the kingdom, disaffected to his Majesty and his family, it is not to be doubted but that they will make use of this handle, for sowing jealousies and fears among his Majesty's best subjects.

This consideration, my Lords, weighty as it is, ought not to prevent our passing so good a bill; but I think we ought to take all possible precautions to prevent such a fatal consequence; and this, I think, can only be done, by leaving out some of the words in the preamble, and inserting others in their stead, as I shall immediately propose. Your lordships all know, that the bringing in of this bill, was not occasioned by a complaint against any use that has lately been made of the regular

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troops; your lordships must be all sensible, that his Majesty's wisdom and goodness is such, that he would, by no means, permit any of his troops to be made use of, for over-awing or encroaching upon the freedom of any election; and therefore, to satisfy the people, and to prevent his Majesty's enemies from getting any pretence, for throwing reproaches upon his government, I hope your lordships will agree to this amendment in the preamble, that these words, To, &c. (moved as before mentioned).

The Answer was to this effect:

As I have, my Lords, as firm an attachment to his Majesty and the present happy establishment, as any man in the kingdom, I can never hear his Majesty's name or his government brought into any debate without the utmost concern; and it has of late become so customary, to bring the sacred name of the King into every debate, that I wish there were some order or some regulation made, for preventing the practice in time to come. Shall we never find fault with any measure taken by ministers; shall we never propose any regulation for preserving our liberties, against any future wicked administration, but we must be told, it will reflect upon his Majesty and his government? My Lords, we are, upon all occasions, to distinguish between the King and his ministers; between the King's government and the ministers' administration: his Majesty and his government are so sacred, they can never be the subject of any of our debates, and therefore ought never to be mentioned; but the ministers and their administration, may often deserve our most severe animadversions: this distinction, my Lords, is not only known in this House, but is known to all the people of the kingdom; and therefore whatever surmises may be raised, whether just or unjust, they can never affect his Majesty or his government; because, if any thing has actually been done, which ought not to be done, every man must suppose it was done without his Majesty's knowledge, and will never meet with his approbation.

With regard to his Majesty then, my Lords, or his government, your lordships have no manner of reason to be under any concern, about the consequences of this Bill, or to alter or add any words for preventing any consequences it can be attended with. As to the ministers administration, indeed, I do not know but this Bill may occasion some surmises that may affect them, and it is impossible to prevent such; for the very bringing in of this Bill, will certainly give ground to suppose that some irregular use has lately been made of the troops, with respect to elections. I shall agree with the noble Lords of the other side of the question, in this, that it is the general opinion, that such bills are seldom brought in, but for remedying some grievance that has been felt; nay, I'll go farther, I believe there is a great deal of reason for such an opinion; for it is very well known, that when any Bill is offered for preventing a grievance, one of the most powerful arguments made use of against it, by a certain sort of men, who always oppose such Bills, is, that such a grievance was never yet complained of, therefore why should you apprehend it, or make any provision against it? And this argument is generally found to be of such weight, that people seldom venture to bring in or propose any Bill for preventing a grievance, till after it has been severely felt, and generally, as well as loudly complained of. As this is generally the case, I do not see how it is possible to prevent such surmises against the administration; and what is now proposed to be inserted by the noble duke, will, I am afraid, add credit to such surmises; for the words he proposes to insert, will certainly be taken by the generality of people without doors, as inserted by the ministers, by way of vindication; and I remember an old saying, which upon this occasion, I must beg leave to repeat; 'Nescio quid 'mali secum fit expurgatio.'

For this reason, my Lords, the words proposed to be inserted, can in my opinion no way contribute to the vindication of the ministry; and as they seem to imply a compliment, not to his Majesty's government, but to the minister's administration, I think it below the dignity of this House to pass such a compliment, when we do not know whether it be true or not; for, as we have made no enquiry; as not the least proof has been laid before us: we cannot as members of this House, declare that it has been the practice, to cause the soldiers, quartered in any place appointed for electing members to serve in parliament, to remove out of the same during the time of election. Nay, I am sure we cannot with any justice say, it has been the constant practice; because it has been lately affirmed in this House, by persons of great authority, and not contradicted, that it has

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not been the constant practice; and therefore I hope, even the noble duke himself will agree, to leave the word constant out of the amendment he proposes.

But now, my Lords, I come to the words proposed to be left out; and there, indeed, we have reason to apprehend surmises, surmises of the most terrible nature, because they will not only affect the administration, but the honour of this House. When the people hear that a Bill was brought in by the learned judges, for transmitting safely to our posterity, those rights and privileges we received from our ancestors, by preventing the influence of officers and soldiers in our elections; and when they hear that we first struck out the clause for subjecting officers and soldiers to a trial at common law, and then struck out those sacred words in the preamble, will they not naturally surmise, that we struck that clause out of the Bill, and those words out of the preamble on purpose that those rights and privileges, which we received from our ancestors, might not be transmitted safely to our posterity? Will it not be surmised, that the necessity for such a bill was so evident, that there was no withstanding the passing of some sort of bill, but a majority of this House had taken care to leave out all those words and clauses, which the learned judges thought were necessary for making it effectual? These are surmises, my Lords, we ought highly to regard; and considering the solemn manner in which the bill was brought in, considering the character of those who prepared it, considering the importance of the affair it relates to, we have great reason to apprehend, that there will be such surmises.

The inserting of these words at the end of the preamble, shews the care and concern the learned judges have for the preservation of our constitution, and looks something like the invocations which, upon all such occasions, the ancient heathens made use of towards their gods; so that there really seems to be something sacred in them, and I cannot but look upon it as a sort of devotion, when I argue against turning such sacred words out of the preamble of this bill. These words are no way inconsistent with the compliment proposed to be inserted; so that if your lordships should agree to make this compliment, you may, nevertheless, leave the other words standing as they are; I cannot really form to myself the reason for expunging them, unless it be to suppose, that you are afraid of giving the people too high a notion of their rights and privileges, and too warm an affection for them; which is an apprehension I am sure none of your lordships can entertain; and therefore I hope the noble duke will either drop his motion wholly, or at least the first part of it: but if he insists upon the whole, it ought certainly to be separated, because some lords may be for inserting the words proposed to be inserted, and against leaving out the words proposed to be left out; and other lords may perhaps be of a quite contrary opinion.

To this it was replied in substance as follows:

Whatever there may be, my Lords, in that distinction between his Majesty's government and the administration of his ministers, however well it may be understood in this House, I am afraid it is not so generally understood without doors; and therefore I hope your lordships will all agree with me in this, that it can be of no service to his Majesty or to his government, to raise groundless and false surmises against the administration of his ministers: and as it cannot be said, as there cannot be the least pretence for saying, that ever any election was over-awed by the regular troops, therefore I think it is absolutely necessary to insert in such a bill as this, some words for preventing any such surmise; and I must think, that no words can be invented more proper for that purpose than those that have been proposed. There may, perhaps, have been one, or a very few late instances, where the troops did not remove from the place of election as usual; but if that affair were enquired into, it would, I believe, appear, there were very sufficient reasons for their not removing; such reasons as, I believe, would convince every lord of this House, that it would be of the most dangerous consequence to pass this bill, in the shape in which it was brought in. However, to avoid any farther dispute in this particular, your lordships may leave the word 'constant' out of the amendment that has been offered, and then, I hope, that part of the amendment will be unanimously agreed to; for to declare the truth upon any occasion, I can never take to be what is properly called a compliment, nor can I take such a declaration to be below the dignity of this House, especially when necessary for preventing unjust surmises, which, it must, at least, be

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granted, could be of no great service to his Majesty or his government.

As to the words proposed to be left out, I take it, my Lords, to be a general rule, that no superfluous and unnecessary words ought to be inserted in any bill; for the shorter any law is, it is certainly the better, provided the meaning and intention of the law be fully and clearly expressed; any superfluous and unnecessary words, inserted either in the preamble or in any of its clauses, serve only to confound the true meaning and intention of the law, and to raise doubts and difficulties, when it comes afterwards to be applied to any particular case that may occur. Of this nature I take those words to be, which are now proposed to be left out: I look upon them as altogether unnecessary and superfluous: for the end and intention of the Bill, appears fully and clearly in every clause of it; and therefore it is very unnecessary to declare in the preamble, for what end it was proposed or passed: this, my Lords, I take to be the true and the only reason for moving to have those words left out; and the reason is so strong and so obvious, that I think it impossible the leaving them out should occasion any unjust reflexions against the administration or against the honour of this House; and, as the reason for inserting the other words, is as evident as the reason for leaving these out, I think there is no occasion for separating the two parts of the question; being convinced that all those who are against any one part of it, will be against the whole; as, on the contrary, that all those who are for any one part, will be for the whole, as it now stands.

After this, it being agreed to leave the word 'constant' out of the Amendment, the question was put upon the amendment so amended, which, upon a division, was carried in the affirmative, by 64 to 28. The motion for this Amendment was made by the duke of Newcastle; and supported by the earls of Cholmondeley and Carlisle. The speakers against it, were, the earl of Aylesford, the earl of Anglesea, the earl of Chesterfield, the lord Bathurst, and the lord Carteret.

Next day the lord Delawar reported from the committee of the whole House, the Amendments made by them to the said Bill; and the same being read by the clerk, the earl of Aylesford moved, for recommitting the Bill; upon which the question was put; but, upon a division, it was carried in the negative, by 61 to 33.

Then the first Amendment was read a second time, which was to leave out the latter part of the preamble, and to substitute words instead thereof, reciting, 'That it hath been the usage and practice, to cause any number of soldiers, quartered in any place appointed for electing members to serve in parliament, to remove out of the same during the time of election,' as before mentioned. Which being objected to, after some new debate, the question was put, Whether to agree with the committee in the said amendment? It was resolved in the affirmative, Content 61, Not Content 33.

Protests thereon.] "Dissentient'

"1. Because we conceive these words, '(to the end therefore, that the same may 'be safely transmitted to posterity, and for 'the avoiding any inconvenience that may 'arise thereunto from any regiment, troop 'or company, or any number of soldiers, 'which shall be quartered or billeted with-'in any city, borough, town or place, 'where any election of member or mem-'bers to serve in parliament, or of any of 'them, shall be appointed to be made)' extremely proper in a Bill, calculated to preserve to us and our posterity the enjoyment of our liberties, by securing the freedom of elections; besides that, in our opinion, it seems very extraordinary, to leave out words that singly intimate our desire of transmitting to posterity, the liberties we enjoy ourselves.

2. "Because we cannot conceive, that there was any weight in the argument urged for omitting these words, viz. "That they carried an imputation, that some facts had been committed contrary to the freedom of elections, which this Bill was to prevent for the future:" whereas in our opinion, it is so much the contrary, that we think the leaving out these words, the natural importance of which carry no imputation at all, may possibly be construed as a consciousness of some irregular use made of troops at elections, which, it might be apprehended, these words might point out, especially since reports of that nature have of late been spread, whether well-grounded or not, we do not take upon ourselves to determine.——*(Signed,)* Denbigh, Chesterfield, Litchfield, Bolton, Thanet, Carteret, Beauford, R. Lincoln, Coventry, Clinton, Berkshire, Craven, Hunting-

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ton, Cobham, Bathurst, Shaftesbury, Boyle, Montjoy, Ker, Bridgewater, Anglesey, Gower, Foley; Winchelsea and Nottingham, Haversham."

The three next Amendments were read a second time, and severally agreed to.

Then the fifth Amendment was read a second time, being to leave out these words, viz. 'And every such regiment, 'troop or company, or other number of 'soldiers as aforesaid, shall, upon the re-'ceipt of such orders, march.' Proposed to agree with the Committee in the said Amendments. Which being objected to, after debate, the question was put upon the said proposition, and it was resolved in the affirmative. The next Amendment was read a second time, and agreed to. Then the next Amendment was read a second time, being to leave out the second enacting Clause, which was, to inflict penalties and punishments on officers and soldiers, who should refuse or neglect to remove out of places, at the time of elections, and to substitute words, inflicting punishments on the secretary at war, in case he neglects to issue orders for such removal. And it being proposed to agree with the Committee in that Amendment, after some new debate, the question was put thereupon, And it was resolved in the Affirmative, Content 64, Not Content 33.

"Dissentient'

1. "Because we conceive, that the leaving out this clause, is, in reality, defeating the effect and intention of the whole Bill: a Bill thought so necessary by the whole House, that the learned judges were unanimously ordered to prepare and bring it in, in lieu of a clause to the same purpose, offered to be inserted in the annual 'Act to prevent Mutiny and Desertion.'

2. "Because we think it much more necessary, that officers and soldiers should be subject to be tried by the civil power, for an offence of this high nature against the constitution in general, than for quartering a man contrary to the method prescribed by the act to prevent mutiny and desertion; for which crime they are, at present, liable to be tried and cashiered by the civil magistrate.

3. "Because we conceive, that this offence being an offence of the highest nature against the civil government, is properly cognizable by the civil magistrate only, and most improperly reserved to the determination of a court martial. Offences against military discipline are justly reserved for the decision of a court martial, as consisting of persons of the same profession, and consequently the properest judges; and, by a parity of reasoning, we conceive the civil magistrate the fittest judge of civil offences. We cannot therefore but fear, that a court martial may consist of persons who may be at least ignorant, and, possibly hasty and partial judges of the merits of an election.

4. "Because the intention of the Bill being to prevent any insults from troops during the time of elections, we should provide against all possible dangers; and though, during his Majesty's reign, we apprehend no ill use will be made of the troops; yet, in future times, ministers may prevail whose unpopular and detested administration may leave them no hopes of security from a free elected parliament, and reduce them to the violent and illegal method of employing those troops, kept up by the corruption of one parliament, in the forcible election, or rather nomination of another: In which case, no remedy can be hoped for against officers so offending, since, as the act now stands, they can only be tried by a court-martial, and a court-martial can only be appointed by the crown; and, consequently, the same wicked minister, who may hereafter advise such an attempt upon our constitution, will not be likely to permit his guilty agents to suffer, but the merits of their crime will carry impunity along with it.

5. "Because we cannot conceive that the arguments drawn from a possibility of a riot at an election, or of a rebellion or invasion during the time of election, wherein the assistance of military power may be necessary, were in any degree sufficient to induce the House to leave out this clause; since, in the case of a riot, the civil magistrate is already armed with a vigorous penal law, known by the name of the riot act; and in the case of a rebellion or invasion, it is well known, that this and all other laws would be silent. But on the other hand, we apprehend great inconveniences may arise, if troops have liberty to march into towns during the time of elections, at the requisition of a partial and corrupted civil magistrate, who may call a majority he dislikes, a tumult, and supply with force the want of interest of an unknown and unqualified candidate; by which means the voice of the people may be drowned in the noise of arms.

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6. "Because we apprehend, that a very injurious and dangerous construction may, by malicious people (too speciously) be put upon the leaving out of this clause: that although the unpopularity of rejecting the Bill itself could not be withstood, yet the eluding and enervating the efficacy of it had been directly brought about: which supposition, however groundless, may give great uneasiness and apprehension to many of his Majesty's good subjects, and may bring very great unpopularity upon the administration. An evil, by all possible means to be prevented; since hate begets hate, and an administration, become unpopular, will soon become desperate, and may endeavour to strengthen their crazy and rotten foundation, by tearing away, for their own use, the corner-stones of the liberty of the people.——*(Signed)* Chesterfield, Clinton, Ker, Denbigh, Coventry, Montjoy, Litchfield, Berkshire, Bridgewater, Bolton, Craven, Thanet, Huntington, Carteret, Cobham, Beaufort, Bathurst, R. Lincoln', Shaftesbury, Boyle, Winchelsea, Haversham."

"We differ for the above-mentioned Reasons, except the third,——*(Signed)* Anglesey, Gower, Foley."

Debate in the Lords on the Salt-Bill.] April 25. The Bill for granting and continuing the duties upon Salt, and upon red and white Herrings, for a term therein mentioned, was read a third time in the House of Lords, and a motion being made for passing the Bill,

The Lord *Bathurst* stood up and spoke to this effect:

My Lords; Though the arguments against this duty, and against this destructive method of raising money, were so fully stated and explained when this duty was last revived, that nothing now can be said upon the subject; yet as there are now several lords in this House who were not here at that time, I must beg leave to repeat one of the arguments then made use of, which is, I think, now stronger in several respects than it was at that time. Figures, my Lords, are stubborn things, there is no twisting them into any shape but that which is natural and right; and some facts are so evident and so notoriously known, that they cannot be denied or controverted. From these, my Lords, it must appear to every man who understands the common rules of addition, that the nation must, in nine years, pay near 800,000*l.* for the 500,000*l.* which by this Bill is to be raised for the current service of the present year: for as this sum of 500,000*l.* is to be immediately borrowed at an interest of 4 per cent. we must pay the interest upon that whole sum, or very near it, for nine years, which is an additional sum the nation must at last pay, amounting to near 180,000*l.* Then, my Lords, the expence of raising and collecting this tax for four years longer, must likewise be all paid by the nation, and this will amount to at least 120,000*l.* more; for, according to the lowest computation, the expence of collecting this duty has always been reckoned at 25,000*l.* per annum for England, and 5,000*l.* per annum for Scotland; this amounts to a yearly sum of 30,000*l.* which in four years amounts, as I have said, to the sum of 120,000*l.* Thus, my Lords, from figures and facts it is plain, that for the 500,000*l.* now to be borrowed, the nation must, in nine years, pay 500,000*l.* for principal, near 180,000*l.* for interest, and 120,000*l.* for charges in collecting, being in all 800,000*l.*—We have heard it, my Lords, strongly inculcated, both this session and last, that, upon the present emergency, we ought to endeavour to give foreign powers great ideas of the wealth and the strength of this nation, and of our readiness to engage in the war, in case we should at any time hereafter find it necessary so to do. This, we have been told, would oblige them to set bounds to their ambitious views, and give ear to those reasonable terms of peace which his Majesty was to propose; but when it is spread abroad, that now, in a time of peace, in a time of profound tranquillity, we are borrowing money at the rate of 60 per cent. for the current service of the year; will any power on earth imagine, that we have any wealth or power left, or that we dare engage in an expensive and dangerous war? Surely, my Lords, we must admit, that there is some sort of parallel between the circumstances of a nation, and those of a private man; and I submit to your lordships, if you would not look upon a man in private life as a bankrupt, if he should attempt to borrow money at a premium of 60 per cent. Therefore I must conclude, that the powers now engaged in war, will, from the very case now before us, look upon this nation as bankrupt, and will reckon us as unfit for engaging in a heavy war, as a bankrupt in private life would be for commencing an expensive

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law-suit: and whether such an opinion can contribute towards obliging the powers engaged in war to set bounds to any of their ambitious views, or to give ear to the reasonable terms of peace which his Majesty is to propose, I leave to your lordships to judge?

To this no Answer was made, but the question called for, which being accordingly put, was carried in the affirmative, without a division.

Debate in the Lords on the Sinking-Fund Bill.] The same day, the Bill for enabling his Majesty to apply the sum of one million out of the Sinking Fund, for the service of the year 1735, was read a third time, and a motion made for its being passed, which being opposed, there ensued a long debate, in which the arguments against the Bill were to this effect:*

I have often, my Lords, heard it made use of in this House, as an argument for our agreeing to what was then before us, that it would strengthen his Majesty's hands, and add to the credit and esteem of the nation among foreigners. This, my Lords, is an argument that, when properly applied, will always have great weight with me; and I think it never was, nor ever can be more properly applied, than against our agreeing to pass this bill. Hitherto, or at least, till within this year or two, the credit and the public faith of this nation have always been in great esteem among foreigners, because they saw we had not only a power to pay off honourably, all the debts we contracted during the last heavy war, but that we had the wisdom and the will to do so; and had actually set apart a considerable and a growing fund for that honest purpose: This our friends observed

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* *The following Report of this Debate is taken from the Manuscript of Archbishop Secker.*

In a Debate about applying part of the Sinking Fund to the service of the present year.

Carteret. This method lessens the reputation of this country abroad, which was greatly raised by the Sinking Fund. We must now take leave of the Sinking Fund, the sheet anchor of the nation. It was said at first that when there was 500,000*l.* taken out there would be a million left, else that could not have passed. Last year the whole was taken: then there was the excuse of popularity for persons to go down to their elections. Now, there is no excuse. It would have struck all the world to see that we had applied this money to the payment of our debts.

The principle this Bill goes upon is that the creditors have no right. Now it was a contract between the creditors and the public. Every money bill is a contract. The whole fund is mortgaged to them, therefore they have a right. If not, this surplus may be mortgaged: and then we are quite undone: indeed, where there is consent you may do it: and their acquiescence is consent. But still it is not prudent. They came into the scheme of lowering their interest, that their debts might be sooner paid, and the reason for putting this matter in the Companies, was that you might more easily get their consent for reasonable changes, than you could that of particular persons. Now these companies thought reducing the interest secured the principal. But the method now taken will effectually prevent it from ever being paid. It may be easy for an administration: but it is ruin to the government. The safety of the nation depends on a right application of this fund.

The Dutch were in debt 14 millions in 1640, they reduced the interest from 6 to 5 from the denier seize to vingt. King William's grandfather applied this to the keeping up of more troops. This sinking of interest displeased: he never had a quiet time afterwards, and they resolved against a Stadtholder, till necessity forced them to one.

Probably the Sinking Fund will not raise a million within the time proposed, and then there is an anticipation. It is fallen short above 112,000*l.* since 1732. The customs were less 142,000*l.* last year than the year before: but the difference upon corn reduces it to 87,000*l.* This fund therefore may slip through our fingers. The Customs have been 1,600,000*l.* one year with another from 1722. In the war they were 343,000*l.* less. The Excise for the last 3 years hath been 1,238,000*l.* In the war it was 341,000*l.* less; difference in Customs and Excise 684,000*l.* This will reduce the Sinking Fund very low if we have a war. This Fund therefore subsists upon peace, and therefore should be applied in time of peace.

Hervey. It will give the nation more weight to shew we can increase our forces without increasing our land tax, which a thousand times as many will know as know any thing of our Sinking Fund. The creditors of the public have been so far from entering into a contract in order to have their debts paid, that they entered into it for fear of being paid: perhaps we cannot raise money any other way so cheap as this.

Bathurst. It is said in the very act, that the surplus shall be for paying debts and nothing else. It is said in the South-Sea Act to be their motive and inducement that the public debts should be paid. Foreigners will see that in time of peace you are forced to seize your sacred treasure: before they have raised one tax you have made a second mortgage. They

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with pleasure, because from thence they took us to be in a flourishing condition, and expected we would soon be free of all former debts, and consequently, would soon be in a condition of giving them the same powerful assistance we had given them in the last war, in case they should, at any time, be unjustly attacked: This our enemies looked on with envy, with dread, and with awe, because they saw we were in a condition to revenge any insults they should offer, and to give a check to their ambitious projects: But the bill we have just now passed, and the bill now before us, will quite change the scene: To see us in the time of a profound peace, not only continuing, but mortgaging one of the heaviest and most dangerous taxes, under which our people groan; to see us laying violent hands upon that sacred fund which has been set apart for the payment of our debts, which stands actually mortgaged to the public creditors, will make the whole world believe that the nation is reduced to the lowest ebb: This will of course transfer the pleasure from our friends to our enemies: The former may, perhaps, pity and bemoan, but the latter will most heartily despise and contemn us.

My Lords, when the Sinking Fund first began to be nibbled at, I was afraid of the consequence, and I foretold what has now come to pass. I foretold, that the next step would be to apply the whole to the current service of the year, and I am afraid, there are some among us, who already begin to think of making it a building instead of a Sinking-Fund; I am afraid, there are some who have already formed a project, of making it a fund for contracting new debts, instead of being a fund for paying off the old; and this I am the more afraid of, because of the new doctrine we have heard advanced in this House, That the public creditors have no manner of right in the Sinking-Fund, that they have no title or right to demand any thing of the government, but the regular payment of their interest. This, my Lords, was to me a doctrine entirely new, a doctrine which gave me the utmost concern, because I looked on it as a prelude towards the mortgaging of that sacred fund, for bringing a new debt upon this nation: and the application, which is to be made of that fund, by the bill now before us, I look on as a paving of the way for that pernicious project; so that what I am this day to say upon this subject, I shall say, by way of taking my leave of that sacred fund for ever, unless your lordships' wisdom and prudence, or some very unexpected accident, gives a most agreeable disappointment.

But I hope your lordships will now take this doctrine into your consideration, and will this day dismiss it with that contempt it deserves, in order to prevent the pernicious consequences with which it is fraught. For my own part, my Lords, I have always looked upon bills, upon which any sums of money have been borrowed, as contracts between the public and the private persons who lent their money upon the credit of such bills; and when considered as such, it is certain all the clauses and conditions of them ought to be most religiously observed and most punctually fulfilled. In this light let us consider the Sinking-Fund: The taxes from which that fund arose, were all at first mortgaged to the creditors of the public, every shilling arising from such taxes were, by the express words of the bills, by which those taxes were first established, mortgaged for payment of the principal and interest, or at least the interest of what money was lent upon them; the laws by which those mortgages were made, are still subsisting, they stand as yet unrepealed, they cannot be repealed, but by the consent of those, who lent their money upon them, or by the consent of those persons, who now stand in the place of the first lenders; and while these laws stand

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who are willing that you should now interpret, that you are not obliged to pay them off, will talk otherwise when a time of difficulty comes. We are within nine years of the time when all our debts should have been paid, and not by one shilling in a better condition than we were. You are not able now to pay 4*s.* in the pound: no thanks to the ministry for not laying it on. Mr. Lowndes said, the nation could not pay above 5 millions: you now with 2*s.* pay above 6 millions. I do not hope to throw out this Bill, but oppose it because it is against right.

Newcastle. Near 4 millions are wanted for the current service of this year: which may be increased another year.

Ilay. These lords 2 years ago were for applying the Sinking Fund to redeem the more burthensome taxes. They were therefore then in the direct contrary way of thinking, and protested upon it. The land tax is the most grievous. In some instances the less a man hath the more he pays.

Bathurst. It was intended the taxes should be redeemed by paying them, which is a proper application of the Sinking Fund.

No Division.

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unrepealed, while there is a shilling due upon any of the mortgages thereby established, it is a breach of public faith, to apply any part of the produce of those taxes to another use, without consent of those, who have now a right to the mortgage. I do not know, indeed, but in this case, the tacit consent of the public creditors may be thought sufficient; but this is not the only consideration; we ought to consider what is the interest of the nation in general, and every man who considers the general interest, must conclude, that the sooner we pay off our public debts, the less they will cost us in the end, the less interest we shall pay for them, and the sooner it will be in our power to free the people from some of those taxes under which they now so heavily groan.

I have already shewed, my Lords, what a prejudice the Bill now before us, may be to the credit and esteem of the nation abroad; and as I look upon it as some sort of encroachment upon that national faith, which is engaged to the creditors of the public, by so many solemn acts of parliament, I must think it will do a great injury to our public credit at home, among all men who seriously reflect and consider the consequences of things: These are fatal consequences, but these, my Lords, are not the most fatal! The diverting of this sacred fund, and applying it to the current service of this year, is, in my opinion, one of the greatest injuries that can be done to his Majesty and his family: To apply this fund to current services, in order to prevent the people's being sensible of any new expence that has been brought upon them, and to enable ministers to provide for that expence, which their measures have made necessary, without laying any new tax upon the people, may perhaps be a good temporary expedient for an administration; it may give a minister an opportunity to vaunt, that he has relieved the landed interest, that he has charged them with but one or two shillings in the pound, and by this he may put off the evil day for the time of his administration: But this, my Lords is ruining his master, it is an undermining of the government. Administrations are fleeting things; ministers are always changing; a mean, temporary expedient may do for a minister, who has no view beyond the term of his own administration; but his Majesty's government is permanent, I hope it will endure in him and his family for ever; and to make use of any little, temporary expedient, which may in the end greatly endanger or distress his Majesty's government, or the government of any of his family, is a most imprudent step, at present, my Lords, I shall call it by no worse a name. The Bill now before us, I must look on as such an expedient; it is nothing but a temporary expedient for concealing from the people, the expence which the nation is to be put to for this ensuing year: In a few years the people, who are now eased by this expedient, will all be gone; in a short time, few or none of them will be alive to express their gratitude for the ease they now meet with; and as the ease given to the present generation, will fall with double weight upon posterity, they must necessarily groan heavily under the burden; they will have reason to complain, they will have reason to murmur, and most of them may, from that only cause, become disaffected to his Majesty and his family.

If we have any respect, my Lords, if we have any regard for the illustrious family now upon the throne, this consideration ought to make us tremble, when we hear any such expedient mentioned, as that now before us. But there is still another consideration which ought to have great weight: If we have a mind ever to be free of that load of debt the nation at present labours under, particular care ought to be taken, to make a proper application of the sinking-fund during all times of peace; for if this nation should happen to be engaged in a war, we cannot suppose, that the sinking-fund will amount to near so much as it does at present; I am indeed afraid, it would, upon such an emergency, almost entirely evanish; and this ought to be particularly taken notice of by those, who may now perhaps be forming projects for raising new debts upon the credit of the sinking-fund. The true nature of this fund, is very little understood by those who imagine, that it has been all got from the diminution of the interest payable to the creditors of the public. It is very well known, that by the diminution of interest in the years 1717 and 1727, we got in the whole but 697,000*l.* annual income, and out of this sum we ought to deduct the annual sum of 100,000*l.* since added to the civil list, we ought to deduct the Salt-duty, which has been lately taken from the sinking-fund, and made a fund for contracting a new debt, and we ought to make many other deductions I could name, all which, added together, amount to the

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yearly sum of above 690,000*l.* so that properly speaking, it is but a most inconsiderable part of the present sinking-fund, that can be said to arise from the diminution of interest payable to the creditors of the public.

The real and the chief foundation of our present Sinking-Fund is to be looked for, my Lords, in a very different article; the greatest part of it arises from the encrease of our taxes above what they produced in time of war. The produce of those taxes, which were imposed for payment of any money raised during the war, was computed according to what they brought in yearly at that time; but now in time of peace, every one of those taxes produces a great deal more yearly than it did at that time, and it is from this encrease, that the greatest part of our present sinking-fund truly arises. This will appear evident from comparing the produce of our customs and excise now in time of peace, with what they produced in time of war. In ten years of peace, at least a sort of peace, from Christmas 1722, to Christmas 1732, the customs produced, upon an annual medium, 1,603,805*l.* whereas in the last ten years of the war they produced, upon an annual medium, but 1,260,732*l.* the difference of which is 343,073*l.* yearly produce more in time of peace than it was in time of war; but there having been an alteration made since the year 1712, and before the year 1722, in relation to the drawbacks of the old subsidy, and in relation to the duties on coffee, tea, chocolate and brandies, which, since the year 1712, and before the year 1722, were taken from the customs and turned into excise, the produce of both these articles, which we may reckon at least at 200,000*l.* annually, ought to be added to the annual produce of the customs for the ten years, from Christmas 1722 to Christmas 1732, or it ought to be deducted from the annual produce of the customs in the last ten years of the war; in either of which cases, it will make the difference between them 543,073*l.* yearly encrease in the branch of our customs only. Then, my Lords, with respect to the excise, we shall find, that the excise on beer and low wines (without including that on coffee, tea, chocolate and brandies) for three years, from Midsummer 1729 to Midsummer 1732, at an annual medium, amounted to 1,238,902*l.* and the same excise in three years of the war, from Midsummer 1709 to Midsummer 1712 (being the only three years after the additional third) was, at an annual medium, but 897,662*l.* the difference between which two produces, is 341,240*l.* yearly produce more in time of peace than it was in time of war; and these two yearly encreases amount to the sum of 884,313*l.* which comes all in yearly to our sinking-fund, by the encrease of our taxes now in time of peace, more than they produced in time of war: It is true, it may be said, that the duties upon coffee, tea, chocolate and brandies, have likewise greatly increased, and therefore the whole sum of 200,000*l.* ought not to be deducted from the 1,260,732*l.* Let us then deduct a proportional sum, which is 157,224*l.* the produce of the customs in time of war will then appear to have been, at a medium, 1,103,508*l.* but then the encrease of the duties upon coffee, tea, chocolate and brandies, or the difference between 200,000*l.* and 157,224*l.* which is 42,776*l.* must be added to the produce of the customs in time of peace, in which case, the whole will amount to 1,646,581*l.* so that the difference comes out to be the same.

I hope your lordships will excuse me for making use of so many calculations; for the affair now before us is of such importance, that it deserves the most serious, the most minute consideration. Figures, my Lords, cannot err, and by them it evidently appears, that near 900,000*l.* of our present sinking-fund arises annually from the encrease of our customs and excises: can we suppose, that such an encrease would continue, if this nation should be involved in war? Are we not rather to suppose, that both would suddenly decrease, and would in a short time come to the same, or very near the same standard they were at during the last war? In such a case could we hope to discharge any great part of our debts yearly, by means of our sinking-fund? Could we hope to contract new debts, or to support a heavy and expensive war, upon the credit of such a fund? Those who are just sinking and ready to perish, may catch hold of any twig, may build their hopes upon any chimeras; but I hope this nation is not yet reduced to such a condition, as to trust to a twig, which must sink as soon as we catch hold of it; I hope we will never place our security in any thing, but what has a solid and a lasting foundation; and a solid and lasting foundation we can find nowhere, but in the real wealth and hearty affections of our people: while the people are loaded with debts, they cannot be said to have

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real wealth; while they are over-burdened with taxes, we cannot expect their hearty affections; and as nothing can be so effectual for clearing them of their debts, for relieving them from their taxes, and for gaining their affections, as a most religious application of the sinking-fund, to the uses for which it was originally intended, I must therefore be against the misapplication proposed by the Bill now before us.

To this it was answered, in substance, as follows:

My Lords; It is to me really surprizing to hear some noble lords declaring the great concern they have for the credit of this nation abroad, and at the same time, with the same breath, doing all they can, to lessen the credit and the esteem of this nation among foreigners, by endeavouring to establish it as a maxim, that even the parliament cannot dispose of the sinking-fund to any use, but that of paying off some part of our debts, contracted before the year 1716; for if it were so, it is certain no foreign power would have such a high notion of the power and the strength of this nation as they would naturally have, if they knew that we had a million sterling coming in yearly, without laying any one tax upon our people, which we might as we thought fit, apply, either to the paying off some of our old debts, or towards raising forces for our own defence, or for assisting our friends, or punishing our enemies. I must therefore think, that every man, who has a true regard for the credit of this nation among foreigners, will, when he considers the affair thoroughly, endeavour to establish the contrary maxim; and I hope this House will, by passing the Bill now before us, endeavour to convince all foreigners, that we have a power, when we think it necessary, to apply the revenue of the sinking-fund, towards their assistance or correction. When foreigners consider, what great expence we have been at this year, in augmenting our forces both by sea and land; and that notwithstanding such an expence, we have laid but two shillings in the pound upon our land, I am sure it will give them a greater opinion of the wealth and the power of this nation, and will contribute much more towards our credit among them, than the paying off a million of our debt could possibly have done: they will consider that we may continue the same forces as long as we have a mind, without raising any new taxes upon the people, and that whenever we find it necessary we may make very considerable additions, by only encreasing our land-tax to what is usually paid in time of war; and therefore we must conclude, that the methods taken this year for raising money for the current services, are the most prudent that could have been taken, for establishing the credit and esteem of this nation abroad; and that they are no way inconsistent with any obligation we are under to the creditors of the public, I shall endeavour to demonstrate.

Even supposing, my Lords, the public creditors had a right to insist upon it, that the Sinking-Fund should never be applied to any thing, but the paying off some part of the debt due to them, yet it has been admitted, that their tacit consent would be sufficient for giving the parliament a power to apply it to other necessary purposes; and as no objection has been made by any of the public creditors, to the application now proposed; as every one of them is, I believe, glad to hear of its being so applied; therefore from any supposed right in them, no objection can be made to the bill now before us; so that, at present, it seems to be an unnecessary dispute, whether the creditors have any right in this fund or no. However, as it may, in my opinion, very much lessen our credit abroad, as it might subject this nation to very great inconveniences, to suppose, that even the parliament could not dispose of the sinking-fund to any other purpose, if the creditors should think fit to object to that disposal; I hope your lordships will give me leave to state that matter, in the light in which it appears to me.

If the public creditors, my Lords, have any right to demand, that the sinking-fund shall never be applied to any use but to the paying off so much of their principal yearly, that right must arise either from the reason and spirit, or from the express words of those acts of parliament, by which the sinking fund was first created. With respect to the reason and spirit of those acts of parliament, it must be deduced from that cause, upon which they were principally founded; and it is well known, that the project which gave rise to those acts of parliament, did not proceed from any terms offered by the creditors: they never so much as thought of offering to give up a part of their yearly interest, in order to establish a fund for paying off their principal; but the foundation of that beneficial project, and the true cause of

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those acts of parliament was this, the natural interest of money had decreased so much, and the credit of our public securities had become so extensive, that some gentlemen, who had the good of their country much at heart, thought it was proper to take advantage of the happy circumstances the nation was in at that time, in order to lessen the interest payable to the creditors of the public; for this purpose they sounded the inclinations of some of the leading men in the monied companies, and other rich men in the kingdom, to see if they would lend the government any large sum of money, at an interest of 5 per cent. and this was no sooner proposed, than it was agreed to; by which it was found, that the government could borrow at 5 per cent. as much money as would be sufficient to pay off all the debts then redeemable by parliament, which bore an interest of 6 per cent. or above: thus the project was soon brought to maturity, and when the proprietors of those debts found they were like to be paid off, they chose rather to accept of a less interest for their money, than to take their principal, when they did not know where to place it out to any advantage: they were so far from demanding any conditions, they were so far from insisting, that the government should lay themselves under any obligations, that they readily came, and were glad of being allowed to accept of the interest that was offered them; and why the government should without being asked, without any consideration, lay themselves under a peremptory obligation, to apply the savings, made by that reduction of interest, to the paying off the principal, is what I cannot comprehend, is what cannot, I think, be supposed.

Now, my Lords, with respect to the express words of those acts of Parliament, by which the Sinking-Fund was established, let us examine the acts themselves, to see if we can find in any one of them such words as can possibly be understood to mean, that the Sinking-Fund thereby established should, in all future times, be inviolably applied to the paying off the public debts, without leaving it in the power, even of the parliament itself, ever to apply that fund to any other purpose. The acts by which the Sinking-Fund was first established, are, 'The Act for redeeming the Duties and Revenues settled 'for paying off the four Lotteries, which is 'called the general Fund-Act:' 'The Act 'for redeeming several funds of the Bank of England:' and 'the Act for redeeming the yearly fund of the South-Sea 'Company;' which three acts were all passed in the third year of his late Majesty; and in the preamble of every one of them, the decrease of the common interest for money, is expressly assigned as the cause for passing them, without the least notice taken of any covenant between the public creditors and the government, about the future application of the Sinking-Fund then established, which would certainly have been recited if there had been any such thing, or if any such thing had been intended. The preamble of the act for redeeming the Bank Fund is very remarkable: It recites, 'That the Governor and 'Company of the Bank of England, in re-'gard that the common rate of interest for 'money, is very much lessened under your 'Majesty's most auspicious reign, are wil-'ling:' and soon after are these remarkable words, 'So as they may be satisfied 'the said last yearly sum, till Midsummer, '1718, inclusively; and so as the future 'payments of the said sum of 88,751*l.* 17*s.* '10*d.*$\frac{1}{4}$, may be secured to them, from the 'said feast-day till the redemption thereof, 'and so as the said yearly sum be made 'redeemable upon one year's notice:' Here my Lords, is the contract between the government and the Bank fully recited, and not one word mentioned of a covenant between the two contracting parties, about the application of the Sinking-Fund: And in this act, when the surplus or excess, occasioned by the reduction of interest, comes to be disposed of, it is expressly declared and enacted, 'That the 'excess or surplus, which at any time shall 'or may be produced by the several rates, 'duties, revenues, and incomes thereby 'appropriated, shall attend the disposition 'of Parliament, and be applied according 'to Act or Acts of Parliament in that be-'half, and not otherwise.' By these words, my Lords, this excess or surplus is so far from being appropriated to the paying off our debts, that it is, in as express terms as could be devised, left to the future disposition of Parliament.

The preamble to the South-Sea Act, my Lords, is much to the same purpose; the words are, 'And whereas the said 'Governor and Company are contented, 'in regard the rate of interest is very 'much lessened, to accept, after Mid-'summer 1718, one annuity of 500,000*l.* 'being after the rate of 5*l.* per cent. per 'annum, for the said ten millions.' Here your lordships likewise see the reason why

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that Company was contented to accept of 5*l.* per cent. interest: It was because the common rate of interest was very much lessened: This, my Lords, is the only reason expressed; and if there had been any other reason, it would certainly have been expressed. In like manner, the excess or surplus of the South-Sea Funds, are by this act expressly declared to attend, from time to time, the disposition of Parliament, and to be applied according to Act or Acts of Parliament in that behalf, and not otherwise: From which words it is to me as evident as words can make it, that this excess or surplus was not then designed to be disposed of at any one time, or to any one particular use, but was to attend the disposition of Parliament from time to time. So that I am sure neither the Bank nor the South-Sea Company can pretend to have, from either of these two acts, any right or property in the produce of the Sinking-fund.

The only other act by which the Sinking-Fund was established, is that I have mentioned, which is called, The General Fund-Act; and in the preamble of this act likewise, my Lords, the cause or consideration for passing the same, is expressly mentioned to be, That the common rate of interest for money had been very much lessened; after which the end and intention of the act is likewise mentioned in these words, 'Now, to the end a sufficient 'fund may be established, for payment of 'all the annuities which shall be payable in 'pursuance of this act, it is enacted.' These words I beg your lordships would take particular notice of; because, if there had been any intention to appropriate the Sinking-Fund, thereby established, to the payment of the public debts, and to no other use whatever, there would certainly in this part of the act have been added some words to this effect, 'And likewise, 'that a sufficient fund may be established 'for payment of the principal sums for 'which those annuities are to be payable, 'it is enacted', from all which I think it is evident, that none of the public creditors, whose interest was at that time to be reduced, made any contract with the government, or desired to lay the government under any obligation for applying the produce of the Sinking-Fund to the payment of the principal sums due to them, and to no other purpose whatever; and in that case we must suppose that the clause in this last act, by which the surplusses in the three acts I have mentioned, are directed to be applied to the discharge of the national debts incurred before 1716, in such manner and form as should be directed and appointed by future Acts of Parliament, was never intended for any thing else but as a direction for the Commissioners of the Treasury, and other officers of the public revenue, how, and by what authority they were to dispose of the said surplusses or excesses: It was certainly never intended as an implication of any agreement or contract with the public creditors, or as a law which no future parliament could repeal, alter or amend, without the consent of the public creditors.

If then, my Lords, it cannot be supposed from any thing that passed, or any thing that was enacted in the year 1716, that the public creditors, whose interest was then reduced, stipulated any appropriation of the Sinking-Fund to the payment of the principal money due to them, I am sure the creditors concerned in the irredeemables, can much less be said to have made any such stipulation; for it is certain, they were no way concerned in the transactions of that year; and as for the transactions of the year 1720, it can as little be said, that they then stipulated any thing from the government, because that whole transaction was carried on between the government and the South-Sea Company; and that Company never desired any thing more from the government, but only a liberty to encrease their capital stock, by redeeming, purchasing, or taking in the redeemable debts, and the irredeemable annuities, providing that their capital stock might be encreased according to the terms, and in the proportions in the preamble of that Act mentioned; and that they should have such an annuity upon their capital so encreased, as is therein stipulated; all which, your lordships may see in the preamble of that Act; but in no part of it, nor in any part of the Act, is there the least intimation of any covenant or contract between the government and the Company, that the surplusses or excesses to be thereby created, were to be appropriated to the payment of our public debts, and to no other purpose. It is true, the Commons here declare their being desirous to have the public debts and incumbrances lessened as fast as may be, with regard to justice and the public faith, and I believe every man who wishes well to his country, desires the same; but the Company, who were then the only contracting party with the Commons, are so

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far from making any stipulation for that purpose, that they do not so much as declare their being desirous it should be so: from all which, my Lords, I think it is evident, that none of the public creditors, have, either by the intention and spirit, or the express words of the laws by which the Sinking-Fund was established or encreased, any right to demand, that the produce of the Sinking-Fund shall be applied to the paying off their principal: on the contrary, I think it is as evident as words can make it, that the application of that fund is entirely left to the disposition of Parliament: that it ought to be applied to the discharge of the national debt, contracted before 1716, is what no man will doubt; but that the general interest of the nation may require, and that the Parliament may order its being otherwise applied, without the consent, or even against the inclination and prayer of the public creditors, is what, I believe, will be as little doubted by any man who considers its original institution.

Another argument, my Lords, has been made use of against this Bill, which I must confess I do not well comprehend: It has been said, that it may be of dangerous consequence to his Majesty and his family: If I thought there were the least ground for such an argument, it would certainly be with me a most prevailing one: but when I consider the heavy load that has for so many years been laid upon the landed-interest of this kingdom, I must think there is nothing more just than to take all methods for giving them relief; and how an act of public justice can be of dangerous consequence to his present Majesty, or to any of his illustrious family, I cannot comprehend. There was no other way of raising the money proposed to be raised by this Bill, but by laying four shillings in the pound, instead of two, upon land; and in that case, I am sure the landed gentlemen would have complained, and would have had reason to complain of our having loaded them with such a heavy tax, when we had a million in our hand, which we might have applied towards their relief. The nation would have been very little sensible of the relief given them by paying off a million of our debt, but the landed-interest would have been deeply sensible of so heavy a tax, by which we must of course have raised a great many enemies to his Majesty's government, without procuring him any friends: whereas, when posterity reflects upon the necessity we are now under, and the dangerous situation we are in, they will readily excuse our not having cleared them of a million of debt at such a critical conjuncture.

I shall readily agree with the noble Lords, that a good part of our Sinking-Fund arises from the produce of most of our taxes having greatly encreased since the last war; but that this encrease is entirely owing to the peace we have enjoyed, is what I cannot, my Lords, admit; for I am convinced that it arises from the encrease of our people, the encrease of our luxury, and the superior care now taken in collecting our taxes, and preventing all manner of smuggling. These I take to be the chief causes of that encrease in the produce of our taxes, which has happened since the last war; and in this opinion I am confirmed by this observation, that the encrease has grown up gradually, whereas, if it had been occasioned by nothing but the peace we have enjoyed, it would have grown up all at once; the encrease would have been as great, or very near as great, the first year after the peace was established, as it is at present; the contrary of which we know by experience: now, as neither of these causes can be much affected by any war but a civil war, which I hope this nation will never be engaged in, therefore I hope, and I think I have good reason to hope, that our Sinking-Fund will be very near as large in time of war as it is now in time of peace. I do not know that any man ever formed a project, or has so much as once had it in his thoughts to mortgage the Sinking-Fund, or to raise any new debts upon that credit; but, my Lords, if we were actually engaged in a war, I should think it a maxim of the most dangerous consequence to his Majesty and the royal family, to load and oppress the subjects with new and heavy taxes, rather than apply the Sinking-Fund, yearly as it arises, to the uses of the war, instead of applying it to the paying off the old debts of the nation; and for this reason I cannot think it of any great service to his Majesty or to his family, to endeavour to establish it as a doctrine, that the public creditors have an indefeasible right in the Sinking-Fund, and that the same cannot be applied by Parliament to any other use without their consent.

But, my Lords, if the public creditors had such an indefeasible right in this fund, it must then be granted, that it could not be applied by Parliament, even to the reducing of those taxes which are most prejudicial to the trade, most bur-

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some on the manufactures, and most oppressive upon the poor of this nation: and yet I have lately seen a pamphlet hawked about in the streets, under the title of a Protest entered by some noble lords, upon this House's disagreeing with them in a motion for our coming to a resolution, that the sinking-fund should always be applied to such purposes, and to none other. How this can consist with the doctrine now advanced, that this fund cannot be applied to any purpose, but that of paying off the debts of the nation, contracted before the year 1716, I must leave to other lords to explain. However, they need not, I think, give themselves any great trouble about getting over this difficulty, for I have clearly shewn, that there is no foundation for such a doctrine. I have shewn, that the sinking-fund was at first intended to be left to the disposition of Parliament; that it was chiefly designed for paying off the debts of the nation, but that the Parliament may apply it to other necessary purposes; and I think there can be no purpose more necessary, than that of preventing our being under a necessity of loading the landed interest with four shillings in the pound; therefore I must think the Bill now before us a most reasonable Bill, and I hope your lordships will order it to pass.

The Reply to this was in substance as follows:

My Lords; I do not know what may be the way of thinking among some people in this nation; but I am sure it is the general and the right way of thinking, to compute the strength and power of a nation, from that revenue which it may apply towards a war without running in debt, or loading the people with heavier taxes than they will patiently submit to pay. A nation may, upon some extraordinary emergency, be obliged to run itself something in debt; but, as every mortgage upon a private gentleman's estate, is a step to the ruin of his family; so every public debt that is contracted is a step to the ruin of a nation; therefore no nation, unless they are mad, will contract any debt, as long as they can raise what is necessary for the yearly expence, by such taxes as they think the people will patiently submit to pay; and the people of every country will certainly submit patiently to pay any tax that can be laid upon them, if they have a confidence in their governors, and an assurance that they will demand no money, but what is necessary for the common safety, and that the best and the most frugal use will be made of the money that shall be so raised. This, my Lords, I am sure, is the general way of thinking among all foreigners; and whoever thinks in this manner, will never admit that the revenue, which ought to be applied to the payment of our debts, is a revenue which contributes to our strength and power. In the last war we made many, I believe some unnecessary steps, towards our ruin; every shilling of old debt we pay off, is, at least, a step from our ruin; and I with grief reflect, upon our having made so few, during such a long term of peace and tranquillity: but as all, or most of our debts, bear an interest of 4 per cent. every misapplication of the sinking-fund, is not only neglecting to make a step from our ruin, but is likewise making a new step towards our ruin, by bringing a new debt upon the nation, I mean the growing interest for that money which ought to have been paid off. By the very Bill now before us, we bring a new debt of 40,000*l.* upon the nation: this sum, it is true, in English money, has but a small sound, but in French money it makes above 800,000 livres; and what will a Frenchman think of this nation when he hears, that now, in a time of peace, we have not only neglected to pay off a large sum of old debt, but have contracted a new debt of near a million of their money? Will he not say, that we are either mad, or that the people are already so loaded with taxes, or have so little confidence in their governors, that they will not patiently submit to pay any additional tax? Can this, my Lords, add to the credit or esteem of the nation among foreigners? Can it contribute to render any of his Majesty's measures effectual?

But this, my Lords, is not the only step we have this day made to our ruin, we have made another most terrible step, we have contracted another new debt of above ten millions of French livres, which must confirm every foreigner in his opinion, of the pitiful circumstances we are reduced to. In order to save laying another shilling upon land, we have this day made a second mortgage upon the only tax we had to mortgage, and therefore I am surprised to hear it so much as insinuated that we have, or that foreigners will believe we have, a tax of 2*s.* in the pound upon land, which we may lay on when we please, and which we may apply towards

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increasing our forces in case of a war; for whoever considers what we have this day done, must necessarily conclude, that we have not, at most, above a shilling in the pound land tax, which we can apply towards increasing our forces either by sea or land; and how short that sum would be of the expence necessary for supporting a war, every foreigner, as well as every one of your lordships, may easily judge.

The tacit consent of the Money-Companies may, perhaps, be some sort of excuse for what is proposed to be done by this Bill; but it is far from being an authority absolutely sufficient; for such an authority can only be obtained from the general courts of the respective companies: such a tacit consent as we have at present, may flow from the negligence, perhaps the fraud, of the managers, which the proprietors may afterwards find great reason to complain of; and when they begin to make such complaints against their managers, they will then certainly complain loudly against those who made a handle of such a tacit consent, in order to take away what properly, and of right, belonged to them. Nay, my Lords, as all companies and corporations are something in the case of infants, even their express consent could not justify the application of the sinking-fund to any other purpose, unless there were really a necessity for such application; and I am convinced that no such necessity can be pleaded at present; for, in my opinion, we had no occasion to be at any extraordinary expence, no more than any other of our neighbours not engaged in the war; and if there had been an apparent necessity for any such expence, our people would have agreed to raise it by some new or additional tax, rather than to have had that sacred fund diverted from the uses for which it was originally intended.

I have read, my Lords, in a pamphlet lately hawked about, some sophistical arguments for proving, that the public creditors have no right or interest in that fund, which every man allows, was prinincipally tended for their payment, and without which, it is certain, they never can be paid; but I little expected ever to have heard those arguments repeated in this House: however, as they have been most minutely repeated in this day's debate, I hope your lordships will excuse me for endeavouring to shew, wherein their fallacy consists; and in so doing, I hope I shall be able to convince every lord in this House, that the creditors of the public have a right in the sinking-fund, not only from the reason and spirit, but from the express words of the acts of Parliament by which it was established; and indeed the words are so express, that I am astonished to hear their right controverted, especially in this House, where a most religious regard for private property has always been preserved.

My Lords, when a motive founded upon private interest as well as a motive founded upon public interest can be assigned for any project, I am always apt to imagine, that the motive founded upon private interest gave the first rise to the project, and was the principal cause of its being carried into execution: and, according to this rule, if we examine the project for establishing the sinking fund, we must believe, that the first rise of it proceeded not from any gentleman, who had only the good of his country much at heart, but from some gentlemen who had the good of his own family, as well as the good of his country much at heart. Before the year 1716, the proprietors of the redeemables had indeed an interest of 6 per cent. secured to them by law; but, as there was no fund then settled for the payment of their principal, they could have no expectation of ever being paid, or at least not till the terms of the irredeemables should be all expired, and in such a long time they did not know but that the distresses of the public might put a stop to the payment of their interest, as well as disappoint them entirely of their principal. In this dangerous situation, no man of common prudence but would conclude, that it was better (at least for his family) for him to have but 5 per cent. interest, and a certain fund established for paying off the principal in a short term of years; and from thence the project for reducing the interest, and thereby establishing a sinking-fund, originally and principally proceeded. Ministers, or perhaps some of their projectors, might have had a project in their heads for reducing interest; but till it came into the heads of some of the chief monied men in the kingdom, it was nothing but a project, a mere chimæra; and for this reason, I am convinced, that the project never came to any perfection, till the managers of the Bank, and South-Sea Company offered, not only to accept of an interest of 5 per cent. for what was due to their respective companies, but to assist the government with money at the same interest, for paying off

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the other redeemables, who should refuse to accept of such an interest: however, whether they made the offer, or only agreed to the proposition when made to them, is not material; but one or the other must have been the case, before that project could be carried into execution; and as we must suppose, that the securing the repayment of their principal money, was the chief thing they had in view, is it possible to suppose, that they would make such an offer, or agree to such a proposition, without stipulating that the sinking fund, thereby to be established, should be appropriated to the paying off the principal? It is impossible to make any such supposition; and therefore their right to the application of this fund, arises in the most clear and evident manner, from the reason and spirit of the transaction upon which those laws were founded.

After this contract and agreement was made between the government and the two companies, and not till then, it began to be possible to carry the project into execution; and one of the first steps taken was, for the House of Commons to resolve "That all savings by the proposed reduction of interest, should go towards discharging and reducing the national debt." These, my Lords, are the express words of the resolution: they are absolute and unconditional, and from that very moment every man who had any share, or afterwards purchased any share in the redeemables, must have believed, that by his accepting 5 per cent. instead of taking his money, he thereby acquired a right to have the savings applied to the payment of the principal; which right he must have thought as absolute and unconditional, as was the Resolution of the House of Commons upon which it was founded: and now to pretend, that there was no contract or agreement between the government and the two companies, or between the government and any of the public creditors, because that contract was not fully and particularly set forth in the preambles of the several acts of parliament, is such a catching at words, as, I believe, would hardly be made use of by a common lawyer in Westminster-hall. It cannot so much as be pretended, that, without the assistance of the two great companies, the government could then have borrowed, at 5 per cent. as much money as would have been sufficient for paying off all the redeemables; and as they could have no other motive, from private interest, for agreeing to assist the government, but only the right they were to acquire to the savings got by a general reduction of interest; therefore, though it had not been expressly stipulated, we must conclude, it was implied in their agreement; and if they had no other right but by implication, it would be doing them injustice to rob them of such a right.

I must now beg leave, my Lords, to touch a little upon the several acts of parliament by which this right is, I think, clearly established. With regard to the preamble of the bank-act, it is indeed recited in this act as well as the others, that the common rate of interest for money was very much lessened; but this was not the real cause of either of the acts; on the contrary, I believe, that the common rate of interest being lessened, was chiefly owing to the resolution upon which these acts were founded; however it was necessary to make this a pretence, not only to induce the proprietors of the two companies to approve of what their managers had done, but to induce as many of the other redeemables as it was possible, to accept of the 5 per cent. interest that was to be offered them. In this preamble are likewise recited some stipulations, that related particularly to the bank, but as this act relates particularly to the bank, the general contract, the general stipulation, by which the public creditors were to acquire a right, to have the savings appropriated to the payment of their principal sums, could not be recited neither in the preamble of this act, nor in the preamble of either of the other two, because the bank was not to acquire a particular and separate right to the savings that were to arise by the reduction of their interest; nor was the South-Sea Company to acquire a particular and separate right to the savings that were to arise by the reduction of their interest; nor were the other redeemables to acquire any such right to the savings by the reduction of their interest, but all of them were to acquire a general and joint right in those savings, that were to arise by the reduction of the interest payable to them: and therefore it would have been improper, it would have been absurd to have recited this agreement in any one of the acts, or indeed to have recited it at all; the only proper way of mentioning the agreement was by performing it, and that was done by a general clause in one of the acts, as I shall immediately shew to your lordships.

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With respect to the disposing clause in the Bank-Act, as well as the disposing clause in the South-Sea Act, it is evident that both of them refer to some act or acts of Parliament that were to be made, for the appropriation of those surplusses or excesses, in pursuance of that agreement which the government had made with the Bank and South Sea companies. When these two acts were drawn up, it was not determined whether that appropriation was to be made by one or more acts of parliament, or whether it was to be made by a particular act for that purpose, or by a clause in some other act; but it is plain, the parliament then thought it might be done by one act, otherwise it could not have been said, 'according to act or acts of parliament;' for if that appropriation had not been designed to have been made by parliament, but yearly, as the surplusses or excesses arose, it must necessarily have required the passing of many acts of parliament for that purpose; and in such case the words in this clause must have been, 'According to acts of parliament in that behalf'——It would have been ridiculous to have said Act or Acts in relation to a thing which could not possibly be executed by one act: but the truth is, it was at that time resolved, to appropriate all those surplusses or excesses that should arise by all or either of these three acts, to the payment of debts contracted before that year; and it was resolved, that this appropriation should be made by some act or acts to be passed in that very session of parliament; but that it should be left to future parliaments to apply the surplusses so appropriated, to the payment of such of those debts contracted before the year 1716, as they should think proper: this was the only power that was to be left to future parliaments; and on account of this power only, the words 'From time to time' are inserted in the disposing clause of the South Sea Act.

As the preamble of the general Fund-Act relates only to the creditors, whose interest was by that act to be reduced; therefore no notice could be taken in the preamble of that act, of the appropriation intended, because that appropriation was to be general, and to comprehend all the surplusses, arising by that, and the other two acts, passed in the same session of parliament; and from hence, the noble lord may find a very good reason, why no such words, as he was pleased to mention, could be inserted in that act: but, my Lords, before this act was passed, it was determined, that the surplusses to arise by those three acts, might be properly and sufficiently enough appropriated to the uses intended, by the agreement between the government and the bank and the South Sea Companies, by a general clause in this last act; and therefore, immediately after such a disposing clause as is in each of the other two, there is inserted in this act a general disposing clause, in such express and peremptory terms, that I must beg leave to read the whole to your lordships. The clause is in these words. 'All the monies to arise from time to time, 'as well of the excess or surplus, by virtue 'of an act made this session, for redeeming the funds of the Bank of England, 'and of the excess or surplus, by virtue 'of an act made likewise this session, for 'redeeming the funds of the South Sea 'Company, as also of the excess or surplus of the duties and revenues by this 'act appropriated as aforesaid, and the overplus monies of the said general yearly 'fund, by this act established, shall be appropriated to the discharging the principal and interest of such national debts, as 'were incurred before the 25th of December 1716, and are declared to be national 'debts, and not provided for by Parliament, in such manner, as shall be directed by any future act, and to or for no 'other use whatsoever.' This clause, my Lords, is so explicit, and so express and particular, with respect to the appropriation of the surplusses arising from these three acts, that I am really prodigiously astonished, to hear it said in a serious debate in this House, that the proprietors of the debts here mentioned, have not, by this act, as full a right in these surplusses, as can possibly be given them by act of parliament. To pretend, that this clause was designed only as a direction to the commissioners and officers of the treasury, is really most extraordinary. Does not every one of your lordships see, must not every man see, that the words must then have run thus, 'shall be applied in such 'manner, as shall be directed by any future 'act, and to or for no other purpose whatsoever?' Is it not evident, that, if no immediate appropriation had been intended, these words 'appropriating to the discharging the principal and interest of 'such national debts, as were incurred before the 25th of December 1716, and 'are declared to be national debts, and 'not provided for by parliament,' must necessarily have been left out?

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From what I have said, my Lords, it must, I think, demonstrably appear to your lordships, that wherever the project for establishing the sinking fund, by reducing the interest payable to the creditors of the public, took its rise, it was impossible for the government to execute this project, without the assistance, as well as the agreement of the Bank and South Sea Companies: that, besides the public advantage, which might perhaps be some inducement to them, they had likewise their own private advantage; because they thereby rendered the payment of their principal secure, which would have otherwise been extremely precarious: that as they had an inducement from their own private advantage, we must from the nature of things presume, that they made the securing them in the enjoyment of this private advantage, an express condition in their agreement, as well as in their promise to assist the government in the execution of the project; and this clause which I have read to you, we must therefore look upon, as a clause expressly stipulated by these two companies, and which they then looked on, as an absolute security for the enjoyment of that private advantage they had in view: we must for this reason confess, that these two companies have a right in the sinking-fund, not only from their previous contract, but from the very words of this clause: and if the other redeemables had taken or called for their money, these two companies must have paid the whole, consequently, their right in the sinking-fund would then have extended to the full value of all the redeemables, whose interest was then reduced. Must we not then in equity conclude, that those redeemables, who did not call for their money, but accepted of an interest of 5 per cent. come in place of the two companies, and have a right to enjoy the benefit of their contract? This, my Lords, I wonder to hear in the least controverted in this House, where so great a regard has always been shewn to equity, and to what appears to have been the intention of parties at the time of contracting.

As for the transaction between the government and the South Sea company, in the years 1719 and 20, from the whole tenour of that transaction, it appears, that the company as well as the government, supposed all along, that the sinking-fund, and encrease thereof, should remain appropriated to the paying off the public debts, contracted before the year 1716, and to that use only; for could either the company or the government suppose, that any one of the proprietors of the redeemables would have subscribed his debt into the South Sea company, if he had been thereby to give up the right he then had for being paid his principal out of the Sinking-Fund? Or could either of them suppose, that the annuitants would have subscribed their annuities at any price into the South Sea company, if they had thought, that they were thereby to accept of a much smaller annuity, without any security for their principal; and indeed without any tolerable certainty for their annuities being continued, so long as they were then by law payable? Such suppositions, either in the company or in the government, would have been ridiculous; and that neither of them made any such, appears almost from every clause in the act. From the whole tenour of the act, it appears, that the meaning and intention of both parties was, that the sinking-fund and the encrease thereof, should remain appropriated to the payment of the public debts, contracted before the year 1716, and that it should never be applied to any other use; and upon this assurance it certainly was, that the redeemables, as well as the irredeemables, subscribed so readily into the South Sea fund. This was certainly the design and the intention of all the contracting parties, both in the year 1716 and in the year 1720; and now to pretend, that there was no such contract, that the creditors have no right in the sinking-fund, merely because this contract is not recited in the preambles of these acts, in as full and ample a manner, as a conveyancer would perhaps have recited it in a deed between private parties, is a method of reasoning I am sure not to be used in this House.

It is true, my Lords, after a certain provision was made, not only for paying the yearly interest to the public creditors, but likewise for paying off their principal, in a small number of years; in a term that was within every man's view, and in such a short term, that it was not probable this country would, in that time, meet with any such disaster, as might interrupt the payment either of principal or interest, it then began to be an advantage to be among those creditors, who were the last to be paid off; and the South Sea Company, by a clause in this last act, wisely put themselves among the last who were to be discharged. But if the doctrine now

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broached should prevail, if two or three more misapplications, such as that now before us, should be made, this would soon cease to be an advantage; the only contest would be, who should be first paid off, because every man would begin to be afraid, that an entire stop would be put to the annuity, as well as the payment of the principal, before the last creditors could be paid off.

That the landed-interest ought not to be loaded with any unnecessary charge, is what every man will acknowledge; but our present land-holders are all, I hope, gentlemen of better sense, than to desire that their posterity should be ruined, for the sake of giving them a small present relief; and I am persuaded there is not a land-holder in England would either murmur or complain at his being loaded with four shillings in the pound, if he saw that it was absolutely necessary for the preservation of his king and country. But this, my Lords, is the difference, and the true cause of this new doctrine, when any additional or new tax is imposed, the people feel the weight of the annual public expence; this puts them upon enquiring into the necessity for that expence, and when they can see no necessity for it, they not only murmur, but those murmurings become dangerous to the ministers, who subject the nation to such an unnecessary expence: whereas no man feels what is taken from the sinking-fund, therefore no man enquires into the necessity of that expence, which occasions its being plundered; and for this reason, it will always be looked on by ministers, as a fund which they may squander with safety; but this may, and will probably at last, fall heavy upon some prince of his majesty's family: at the same time that he sees almost all the revenues in the nation mortgaged for old debts, he may find himself engaged in war, as expensive as was that war which occasioned those debts; and this is so melancholy a prospect, that the mere possibility of its existing must give the most affecting sorrow to every man, who has the security and honour of the present royal family truly at heart.

That the greatest part of our present sinking fund, is owing to the yearly produce of our taxes being much greater now than it was in time of war, is, my Lords, what cannot be controverted, and that the increase is owing to the peace we enjoy, is what can as little, I think, be controverted; for granting that the increase of the yearly produce of our taxes, is owing to the increase of our people, to the increase of our luxury, and to the good management and exactness in collecting our taxes, yet as these three depend upon the peace we now enjoy, therefore it must be granted, that the increase of the yearly produce of our taxes depends also upon that peace. If we were engaged in a foreign war, we should be obliged to send a great army abroad, supposing we sent only 20,000 men, we must allow that an army of 20,000 effective men would carry at least 30,000 of our people out of the kingdom; and considering the many taxes our people pay at present, we may reckon that every man and woman in the kingdom, one with another, pays at least a penny a day towards the public expence; so that if by the war 30,000 of our people should be carried out of the kingdom, by that one article, there would be a certain decrease in the produce of our taxes, to the amount of near 46,000*l.* yearly; to which must be added the decrease that would be occasioned by our sending out great fleets yearly; for though our ships of war, be generally furnished with the necessary provisions at home, yet none of the seamen on board consume so much of the provisions of their own country, or contribute so much to the taxes, as they would do if they were living at home. With respect to our luxury, it is a maxim which always holds true, that people are never so luxurious in time of war, as they are in time of peace; and as the luxury of our people would decrease, we must therefore expect that the produce of taxes would decrease. But, my Lords, the greatest decrease of all, would be occasioned by its being impossible to collect our customs so regularly, or to prevent smuggling in time of war, so much as we do in time of peace. We should have our coasts full of privateers, and those privateers would not only make it impossible for our custom-house sloops, to guard our coasts against smugglers, but would often become smugglers themselves; and when a great profit is to be got, it would be impossible to prevent our people's dealing with them. These considerations must shew to your Lordships, that our Sinking-Fund would be but a very uncertain foundation, for supporting a heavy and expensive war.

With respect to our power of altering, amending or repealing any law, it is not at present, my Lords, the question before

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us; but this House has always been extremely cautious of doing so, when such alteration, amendment or repeal, might probably hurt the property of private men; and the Bill now before us, must certainly be looked on, as a repeal of all those laws, by which the Sinking-Fund has been appropriated, to the paying off the debts contracted before 1716; and though that repeal may not immediately much injure the property of the creditors of the public, yet it is laying a precedent, by which their property may at last be entirely annihilated; for the necessities of state may at last be made an argument for seizing, not only upon that fund, which ought to be applied to paying their principal, but upon those funds which ought to be applied to the payment of their annuities; and if ever that happens, they will not only feel, but will complain loudly of the Bill now before us. The Sinking-Fund is as strongly and as firmly established for the payment of their principal, as the other funds are for the payment of their annuities. In both cases, I can look upon the parliament, only as the trustees of the people, and as such I must indeed doubt, whether we have a power to do what is proposed by the Bill. Let me suppose, my Lords, a gentleman, who has a mortgage upon his estate, has settled 3,000*l.* a year rent-charge out of his estates in trustees, 2,000*l.* whereof to be applied by them yearly, towards paying the interest, and 1,000*l.* to be applied yearly towards paying off so much of the principal money due upon the mortgage; suppose this gentleman should afterwards grow a little extravagant, that he should apply to his trustees, and tell them he had occasion for that 1,000*l.* a year for the necessary uses of his family, and that as the mortgagee did not want his money, they might let alone paying off any part of the principal for that year, in order to supply those necessities which his extravagance had brought upon him. Now, my Lords, I should be glad to know, whether the trustees could comply with such a request, or if they did, whether the heirs of that gentleman would be bound, by a court of equity, to approve of what the trustees had done; I am apt to believe they would not; however, as I am no lawyer, I shall not be positive, but would be glad the noble Lord upon the woolsack would give the House his opinion upon the case.

The objection, that if the public creditors had a right in the Sinking Fund, it could not be applied towards reducing any of those taxes, which are most grievous upon the poor, is an objection that has already been made, and then received a full answer, but as it is now again repeated, allow me, my Lords, to repeat the answer. The public creditors have a right to have the Sinking Fund applied yearly to the discharge of some of those debts which were contracted before the year 1716; but the parliament may apply it to the payment of which of those debts it pleases. As our taxes are all mortgaged, for the payment of some one or other of those debts, no tax can be reduced, till the debt for which it is mortgaged be paid off; the meaning of that motion therefore was, that the parliament should apply the Sinking Fund, to the payment of those debts, for which our most grievous taxes are mortgaged, in order that the tax might then be reduced; so that in that motion, there was nothing, my Lords, in the least inconsistent with that right, which the public creditors have in the Sinking Fund; which right is, in my opinion, as good a right, as the right they have in those funds, which are appropriated for the payment of their annuities; and therefore I cannot but give my negative to the Bill now before us.

The Question for passing the Bill being at last put, it was carried in the affirmative, without a division. The Speakers in this debate were, against the Bill, the lord Carteret, the lord Bathurst, and the earl of Aylesford. For the Bill, the lord Hervey, the duke of Newcastle and the earl of Ilay.

Proceedings in the Commons on the Play House Bill.*] March 5. Sir John Barnard moved for leave to bring in a Bill to

* "The national industry at this time suffered extremely, through the great increase of Playhouses and theatrical exhibitions. It is incredible, with what ardour they were frequented by the young people and others, whose circumstances were not suited to such pleasures. The city of London particularly felt this inconveniency; for, a playhouse had been opened in Goodmans-fields, by the subscriptions of the inhabitants, at the expence of 2,300*l.* under the direction of Mr. Henry Giffard, who had divided the property of the same into twenty-three shares, as a security for paying to each of the sharers one shilling and sixpence for every acting day, besides the liberty of seeing the play gratis. Another gentleman, of the name of Potter, had bought the lease of the King's-Head inn, in the Hay-

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restrain the number and scandalous abuses of the Play-Houses, and particularly represented the mischief done by them in the city of London, by corrupting of youth, encouraging vice and debauchery, and greatly prejudicing industry and trade; and how much these evils would be encreased if another Play-House should be built, as projected, in St. Martins le Grand.† At this motion many in the House seemed to smile; but sir John being seconded by Mr. Sandys, Mr. Pulteney, &c. and at length by sir Robert Walpole, though at first it seemed to be received with a sort of disdain, the case was at length altered, and it was spoke for both by young and old. Mr. James Erskine reckoned up the number of Play-Houses, viz. The Opera-House, the French Play-House in the Hay-Market, the Covent Garden, Drury-Lane,

market, which he fitted up into a playhouse, at a considerable expence; and there scarcely was a city in the kingdom, free of such nuisances. Sir John Barnard, therefore, this session, after laying before the House the dreadful tendency of such a multiplicity of theatrical exhibitions, moved for a bill, to restrain the number of houses for playing of interludes, and for the better regulating common players of interludes. This bill was not only wise and necessary itself, but was favoured by the ministry. Notwithstanding this, it met with great opposition, and was sometimes in danger of being lost. But the city of London, and the magistrates in the county of Middlesex, with those of other great towns all over the nation, presenting petitions in its favour, it made its progress, though slowly, through the House, till it came to be committed to a committee of the whole House. But, this being objected to upon a division, of 90 against 74, it was put off for a fortnight, and consequently dropt for that session." Tindal.

† In consequence of the report of this projected new theatre, the following Letter appeared in Hooker's Weekly Miscellany of the 8th of March.

"*A* LETTER *humbly offered to the trading Citizens of London.*

"By several Advertisements lately published in the Daily Post, I find there is a new Play-house on foot, and (as the Advertisement says) very near the heart of our city. It is not my design here to enter into a dispute of the legality or offensiveness of the business in general, but only how far a house so nearly situated may affect us: with gentlemen of estates, whose time may hang heavy on their hands, and whose pleasure is their business, it may do very well; but with us, whose trade is the support of this opulent city, it must be very detrimental, by too much taking off the thoughts of our youth from business, and planting in their green minds luxury and debauchery.

"I believe to those who thoroughly conceive the moral of a play, it rather conduces to virtue than vice; but not one in 100 of our youth profit more by it, than falling in with bad company, viz. orange women, and such like prostitutes of the town, that swarm in those places, who first tempt them to break their masters hours, the consequence of which is, absenting themselves the whole night: this runs them into extravagant expences, which by degrees are so heightened, that at last they stop at nothing to support them.

"I expect whole shoals of clamorous answers from this embryo-theatre, who perhaps may object, while the other Play-houses are subsisting, our youth will as frequently be there; but that I deny, the diversion being so distant, they will naturally determine to pass their wet winter evenings at some coffee-house, &c. where they usually resort; but when the temptation is so near, their going will become so habitual, they will lose even the power to leave it.

"These certainly were your sentiments, when you petitioned his Majesty against Goodman's Fields Play-house: and his Majesty's goodness readily complied with your request, and ordered the said house should be silenced: but in defiance to that order they played, and still continue to do so. Whether it was in the power of the royal prerogative to silence it, hath of late been much disputed. Witness the Hay-Market affair.

"I cannot conceive where this house should be, unless in St. Martin's le Grand, which is in the liberty of Westminster, and indeed very near the heart of our city. But if they have power to erect a Play-house by renting 10*l.* per ann. paying scot and lot, (which, as I am informed, was the footing the Hay-market people stood on last year) they may by the same rule build one in every street in our city.

"The number of Play-houses among us in queen Elizabeth's time, doubtless, was the occasion of that act of parliament in her reign against them, and accordingly they were reduced.

"This pretence of renting 10*l.* per ann. &c. I look upon no more than an evasion, or a hole to creep out of the aforesaid act, and that made in the 12th of queen Anne against stage players, &c.

"I am afraid the law is deficient in this case, and that it is not in our power to remove this, or any such-like nuisance that may arise among us: nuisances I must call them, when they are so situated as to interrupt and interfere with our trade. I am myself a person in large dealings, and have great

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Lincoln's-Inn fields, and Goodman's-fields theatres; then said, It is no less surprizing than shameful, to see so great a change for the worse in the temper and inclinations of the British nation; which, though chearful and facetious formerly, yet was sedate and solid; but now so extravagantly addicted to lewd and idle diversions, that the number of Play-Houses in London was double to that at Paris; so that now we exceed in levity our fluttering, fiddling masters the French, from whom we had learned these and many other impertinencies, as much unsuitable to the men and manner of an English or Scotchman, as they were agreeable to the air and lightness of a monsieur. It is astonishing, added he, to all Europe, that Italian eunuchs and signoras should have set salaries equal to those of the Lords of the Treasury and Judges of England, besides the vast gains which these animals make by presents, by benefit nights, and by performing in private Houses; so that they carry away with them sums sufficient to purchase estates in their own country, where their wisdom for it is as much esteemed, as our vanity and foolish extravagance laughed at and despised.

The necessity of some such Bill being at length made evident to the satisfaction of the House, it was ordered, nem. con. "That leave be given to bring in a Bill or Bills for the restraining the number of Houses for playing of Interludes, and for the better regulating common Players of Interludes; and that sir John Barnard, the Master of the Rolls, Mr. Chancellor of the Exchequer, sir Thomas Sanderson, Mr. Sandys, Mr. Pulteney, sir Edw. Stanley, Mr. Talbot, Mr. Erskine, Mr. Attorney General, Mr. Solicitor General, and the lord Gage, do prepare and bring in the same."

April 3. The said Bill being presented by sir John Barnard, was read a first time, and ordered a second reading; but after several Petitions against it, and being divers times under consideration of Committees of the whole House, it was dropt April 30, on account of a clause offered to be inserted therein, without which it was suggested his Majesty would not pass it: the Clause was to ratify and confirm (if not enlarge) the power of the Lord Chamberlain of his Majesty's Houshold over the players; which the worthy gentlemen who promoted the Bill apprehended was either too great already, or had been too far exercised, in the case of Polly, an Opera; and therefore they thought it more advisable to wait another opportunity to get a Bill of this kind

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quantities of goods unloaded at my door: now if this or any other play-house should be near me, the crowd of coaches generally resorting to such places, may prevent a carman's driving up to my house, who may be told by some pigtailed powdered fellow behind a coach, (little inferior to the idle fop within it) 'That 'the play is going to begin.' 'You cannot come 'by.' 'You should have come sooner with 'your dirty slovenly cart.' (This is not an improbable conjecture); so my business must be at a stand. Besides the innumerable riots and disorders a house of this nature will create with us, by breaking in upon the peaceful hours of our watch, by a train of midnight rakes and bullies, we shall have a herd of link-fellows lurking about the house till play is over, and then perhaps break into our shops and warehouses. If any of these fellows should be met by our watch, will they not have a very good excuse, that they have been attending the play-house? I conclude, lamenting that such nuisances have power to set up among us, and that it is not in the power of our magistrates, nor his Majesty, to prevent them.

March 3, 1734. TRADELOVE."

"The above Letter," says Mr. Hooker, "appears to be written with a very good intention, and contains some useful hints on a design, that, if it be suffered to proceed, may be of very pernicious consequence to the morals of our city youth, and to the tranquillity and welfare of this great metropolis, at this time one of the best governed cities in the world. We know not to what a height these enormities may soon arrive, and whether the players will long think themselves under a necessity to refrain acting on the Lord's-day; since we see already, the wretched harlequinry, and insipid buffoonery of the French players continued on Wednesdays and Fridays weekly in this holy season; which till now the most profligate strollers and vagabonds had the decency to hold exempted from their lewd representations. I remember well, that the infamous practice of masquerading was introduced into this kingdom by a certain French ambassador in a former reign: and these infamous strollers of the same nation seem to be come hither to complete the mischief. But it is to be hoped that those to whom the care of religion principally belongs, will apply in a proper place, and in a most effectual manner, upon this subject. Since writing of the above, it is with great pleasure we observe, that this subject is fallen under the cognizance of one part of the legislative authority; and it is the hope of all good men, that a proper regulation of the enormities so justly complained of, and still farther apprehended, from this increasing evil, will be the happy result of so seasonable an animadversion."

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passed, rather than to establish by a law a power in a single officer, so much under the direction of the crown, which power might be exercised in an arbitrary manner, and consequently be attended with mischievous effects.

Debate in the Commons on the Bill to prevent Bribery and Corruption at Elections.] March 7. Mr. Bramston moved, "That the clause of an Act made in the second year of his present Majesty's reign, intitled, 'An Act for the more effectual 'preventing Bribery and Corruption in 'the elections of members to serve in par-'liament,' which relates to the last determination in the House of Commons, concerning votes for members to serve in parliament for any county, city, borough, cinque-port, or place; with the clause relating to the Oath to be taken by returning officers, should be read;" and the same having been read accordingly;

Mr. *Bramston* stood up again, and spoke as follows:

Mr. Speaker; By the clause of the act now read to you, it appears, that the last determination of the House of Commons, with regard to the right of voting at any election, is declared to be final to all intents and purposes whatsoever, any usage to the contrary notwithstanding; so that in all future disputes about any election for the same place, the last determination of this House is the rule by which the right of voting is to be determined, and against which no arguments, nor any proof can be admitted: This I take to be now the law of the land, and consequently is binding as well upon this House, as upon every gentleman who has been since that act, or may hereafter be concerned in any election.—At all times, Sir, and particularly in such a dangerous conjuncture as the present, it is incumbent upon us to establish among the people a good opinion of the impartiality, integrity, and justice of this House in all our proceedings. With respect to state affairs, especially such as relate to foreign transactions, the facts are not publicly known, nor can the motives or arguments for or against any question relating to them be understood by the vulgar; and therefore in such questions it is not easy for the people in general to comprehend the debates; nor would it be possible for them to discover the injustice or the partiality of our proceedings, were it possible for this House to be guilty of any such. But in all our proceedings relating to elections, the people in general, or at least those who live in the neighbourhood of the place where any dispute happens about an election, know every circumstance, and are as capable of judging of the motives or arguments for or against most of the questions that occur upon such occasions, as any member of this House: And when the people observe a contradiction in our determinations relating to such affairs; when they observe the right of voting at an election given by this House to one sort of people, and in the very next session, perhaps, that right determined by this House to be in a quite different sort of people, they must conclude, that the determination of this House in relation to that affair did not proceed from justice and impartiality, but from private interest, or from party-zeal. This is the conclusion they must necessarily form with respect to those affairs they know, and can judge of; and the misfortune is, that they from thence naturally conclude, that our proceedings are governed by the same motives in those affairs which they do not know, nor can judge of.—To prevent an effect so dangerous to our constitution was, I believe, Sir, one of the chief motives for inserting the clause now read to you in the act of parliament, and care has been taken to express it in terms so strong and explicit, that it cannot, in my opinion, be evaded by any artifice or subterfuge. It is now the law of the land; a law so reasonable, that I hope it will never be altered or repealed; and a law so plain, that I can make no doubt, but that the last determination of the House of Commons will, for the future, be, in all such cases, a rule from which we cannot depart. However, Sir, as some gentlemen are not sufficiently apprised of this law, or may entertain hopes that this House will not, in their future determinations, strictly adhere to it, they may therefore put themselves to great expence in bringing up witnesses, and may take up a great deal of your time with arguments to shew, that the right of voting at any election now disputed, is not in those people only, in whom it was declared to be by the last determination of this House: This will be putting themselves to great expence, and taking up the time of this House to no purpose, since the last determination of the House of Commons is now by law established as a rule, from which we cannot depart, notwithstanding the clearest proof of any usage to the con-

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trary.—As we ought, Sir, to prevent gentlemen putting themselves to any needless expence, as we ought to prevent their attempting to take up the time of this House to no purpose, therefore I think this law ought to be some way revived, not only to put gentlemen in mind of it, but to shew them that we are resolved to adhere to it in the strictest manner; and as the only proper way for us to revive any law, is by coming to some new resolution in relation to it, therefore I hope the House will agree to the following motion, which is, "That the Counsel at the bar of this House, or before the Committee of Privileges and elections, be restrained from offering evidence, touching the right of election of members to serve in parliament for any city, borough or place, contrary to the last determination in the House of Commons; which determination, by an act passed in the second year of his present Majesty's reign, intitled, 'An Act for the 'effectual preventing Bribery and Cor-'ruption in the election of members to 'serve in parliament,' is made final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.

This motion being seconded by Mr. Sandys, and supported by Mr. Walter Plumer: the same was objected to by Mr. Horatio Walpole, Mr. Henry Pelham, and sir William Yonge, who did not directly oppose the motion itself, but proposed the delaying of it a few days, as follows:

Sir; I must own, I have not lately considered the clause now read to you, and therefore am not prepared now to speak to it: But upon the first view, I take the motion to be of the utmost consequence, because I look upon it as a restraint designed to be put upon the jurisdiction of this House in the most material point, that of determining all questions relating to electing the members of our own House. I really never imagined, that the intention of that act, or of any clause in it, was to restrain the House of Commons, with respect to their determinations in matters of election; for in all such determinations I think we ought not to be under any limitation, nor confined by any rule; and if there had been any such intention, I believe this House would never have agreed to the Bill, or at least that clause by which any such restraint was intended to be laid upon this House.

It is for this reason, Sir, that I have always imagined, and still think, that the clause now read to you relates only to returning officers, and was designed as a direction to them, what sort of persons they were to admit to vote at any election, with respect to which they were by this clause obliged to take the last determination of the House of Commons, as a rule to be inviolably observed by them at all succeeding elections. This, Sir, I must still think, is all that was designed by the clause; for it is certain, that if in all future disputed elections, we were to take the last determination of this House as an infallible rule for our conduct, a very great injury would thereby be done to a great many cities and boroughs in England; and I cannot imagine that it was ever the original intention of any Act of Parliament to do an injury to any one, much less to great numbers of his Majesty's subjects. However, Sir, as I have not lately read or considered the Act, I will not now pretend to be positive in my opinion, and therefore I hope the honourable gentlemen will agree to put off the consideration of this motion to some short day, to Monday next if they please, that other gentlemen as well as myself may have time to consider it, before we are obliged to give our opinion in a case which is certainly of great consequence.

Sir *Joseph Jekyll* rose and said:

Sir; As I had the honour to be a member of this House when the clause now under consideration had the good fortune to pass, I well remember the history of it: this clause was not originally in the Bill, but was put into it by the other House, and I believe, with a view to prevent the passing of it; or at least that it was the intention of those who first contrived this clause: for they imagined that this House would never agree to such an amendment: but when the Bill came back to this House, the gentlemen who promoted the Bill were so justly fond of it, that they chose to agree to all the amendments made by the other House, and this among the rest, rather than lose so good a Bill. Indeed as to this clause they had a very good reason for agreeing to it; for though it did lay some restraint upon the jurisdiction of this House in matters of election, yet the majority of the House then thought it a reasonable restraint, and even a necessary restraint, in order to prevent, in time to come, that frequent contradiction in our determinations with respect to elections, which had in time past greatly contributed to the giving people a contemptible opinion of all the proceedings of this House.—The

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clause now read to you, Sir, is so full, and conceived in terms so plain and easy to be understood, that I am surprised to hear any gentleman desire an hour to consider of it; but I am still more surprised to hear any gentleman, especially a gentleman who has often attended the committee of elections, say, he imagined this clause was intended only as a direction to returning officers, what sort of people they were to admit to poll at any election; because this very direction was given by act of parliament many years ago to all sheriffs and returning officers: so long ago as the eighth year of king William's reign, all sheriffs and returning officers have been prohibited, by an act then made, to return any member to serve in parliament, contrary to the last determination in the House of Commons, as to the right of election for such places; and therefore it would have been ridiculous to have inserted in a late Act such a clause as that now before us, if no more had been intended by it, than to give the same directions to sheriffs and other returning officers, which were given to them by a former act then in full force; but, without any such consideration, the clause before us is in itself so clearly expressed, that it is impossible to mistake its meaning; and as the honourable gentleman intends nothing by his motion but to prevent gentlemen's putting themselves to a needless expence, and giving this House an unnecessary trouble, I can see no reason why we should make any difficulty in agreeing to what he has proposed.—Can gentlemen be serious, Sir, when they say that this House is not to be confined by any rules; that we ought not to be under any restraint, with respect to our determinations about the election of our own members; and that this House would never have agreed to the clause, if any such thing had been intended? Our determinations in such cases are, it is true, supreme and final; but surely, Sir, even in such cases we are confined by the rules of natural justice and equity, and likewise by the antient customs and the laws of the kingdom. Let a court of judicature be as absolute and supreme as can be imagined, yet I should have a very bad opinion of the judges of that court, if they confined themselves to no rules, nor even to those laws they themselves had before made for their future conduct. I do not know but some of the cities and boroughs of England may have been injured by the last determination of this House, and in such a case it is a hardship to make that injurious determination absolute and final as to them in all time to come; but if there were any such injurious determinations made, it is the more necessary by a law to put a stop to them. The hardship is already put upon them, the law is already passed; it is now one of the established laws of the kingdom, and cannot therefore be altered or amended by any resolution of this House: it is not the first time that a hardship has been put upon particular men for the good of the society in general; but in this case, if any city or borough has been injured by the last determination of the House of Commons, and that injury fixed upon them by the law now under our consideration, they may apply to parliament for relief, and will certainly obtain an act of parliament for that purpose, which is the only method by which they can now be relieved; so that the hardship, if any has been put upon them, cannot come under our consideration in the present question.

However, Sir, though I do not think it at all necessary to take a day to consider of the present motion, yet I shall not be against it; because I wish it were made a standing order of this House, that no motion should be taken into consideration or agreed to the same day it is made: for this reason I shall not be against adjourning the debate until Monday, according to the honourable gentleman's desire; and I agree to it the rather, because I hope when the motion has been fully and maturely considered, it will be unanimously agreed to: but, on other occasions, I hope those gentlemen will shew the same complaisance to others, and will not insist, that any motion they may hereafter think fit to make shall be immediately taken into consideration; for if this should be made a rule for one side, and not for the other, it would be as partial a method of proceeding as was ever practised by former Parliaments in their determinations about elections.

It was ordered accordingly, That the farther consideration of the question be adjourned to Monday next, when the motion was amended thus: "That the counsel at the bar of this House, or before the committee of privileges and elections, be restrained from offering evidence, touching the legality of votes for members to serve in Parliament, for any county, shire, city, borough, cinque-port, or place, contrary to the last determination of the House of

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Commons: which determination, by an act passed in the second year of his present Majesty's reign, intitled, 'An Act for the 'more effectual preventing bribery and 'corruption, in the election of members to 'serve in Parliament,' is made final to all intents and purposes whatsoever, any usage to the contrary notwithstanding." And then it was agreed to without any farther debate.

Proceedings in the Commons on the Scotch Wrongous Imprisonment Bill.]* March 12. A Petition of George Herriot, provost of the royal burgh of Haddington in Scotland, Robert Forrest, brewer there, John Hay, sadler there, George Hunter, wheelwright there, and George Walker, skinner there, was presented to the House of Commons alledging, "That, upon application made the 24th of October then last, by James Ereskine, John Claddel, Andrew Wilson, and others, assuming to themselves the name of magistrates in the said burgh, and complaining that the petitioners had disturbed them in the pretended exercise of their offices; the hon. Andrew Fletcher of Miltoun, one of the judges of the court of justiciary, and also of the court of session in Scotland, though there was evidently no foundation for such complaint, without any jurisdiction to judge of the merits of the election of magistrates of the said burgh, without any notice given to the petitioners, or any of the other persons concerned; and so, without hearing them, or calling them before him, gave forth a summary warrant, directed to all officers whom it concerned, civil or military, to search for, seize and apprehend the persons of the petitioners and many others, to the number of forty burgesses and inhabitants, whereof seventeen were acting magistrates or counsellors of the said burgh, where-ever they should be found in Scotland, and to imprison them, within the nearest sure

* "An affair of a very serious nature was at this time depending before the House of Commons. The magistrates of the royal burgh of Haddington had been seized and imprisoned in a distant gaol, without been admitted to bail, by a warrant from one of the Scotch judges. But another of them had ventured to take their bail, and set them at liberty. A petition from the imprisoned parties was presented to the House of Commons, and the case was so flagrant, that a motion was made, to refer it to the consideration of a committee of the whole house. This was opposed by the minister and his friends, because the petition, in fact, was a private affair, and the petitioners might have their remedy in the municipal laws of Scotland, as they stood before the union. On the other hand, it was urged, and indeed with some justice, that the case affected the liberty of the subject in the most tender part: that though an English House of Commons, before the union, had no concern with the laws of Scotland, yet now that their representatives made part of a British parliament, it became that House to watch over the liberty of the subjects there, as much as in England, were it no more than to preserve the freedom of elections, which the oppression complained of, had actually invaded and destroyed. It was added, by some of the learned members from that country, that the laws themselves, with regard to the liberty of the person, wanted great amendment, and the case before them was brought as an instance of it. The question, however, being called for, the motion was rejected, by a majority of 197 against 155.

"The throwing out this motion did the minister no service; and nothing but his attachment to his friends could have occasioned it. The minority, however, finding themselves so considerable, upon the 14th of March moved, that part of an act of the parliament of Scotland, made 1701, intitled, 'An act for preventing 'wrongous imprisonments, and against undue 'delays in trials,' might be read: and the same being read, a motion was made, and the question proposed, That leave be given to bring in a bill, for the better securing the liberty of the subjects in that part of Great Britain, called Scotland; and for explaining and amending an act, passed in the parliament of Scotland in the year 1701, intitled, 'An act 'for preventing wrongous imprisonment, and 'against undue delays in trials.'

"It must be acknowledged, that the reading of the Scotch act made no favourable impression upon the house with regard to the liberty of the person in Scotland. It appeared, that a magistrate or judge was not obliged to examine an informer upon oath, or to bring the parties before him, before they were sent to prison. All that was required for committing to gaol any man, or body of men in that kingdom, was an information in writing, signed by the informer, and left with the magistrate. The minister himself and his friends disliked that part of the Scotch constitution, but opposed the title of the bill moved for, and proposed to leave out of it the words '[for the better 'securing the liberty of the subjects in that part 'of Great Britain called Scotland.'] But this amendment meeting with opposition, it was carried by a majority of 215 against 147. And the bill, without the above words, was ordered to be brought in by Mr. Dundass, the lord Polworth, and Mr. Sandys. It passed the House of Commons, but was thrown out of the House of Peers, through the opposition made to it by the earl of Ilay." Tindal.

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prison; that this warrant was lodged in the hands of Humphry Colquhoun, one of the macers or messengers of the court of justiciary, without the privity of any other of the judges of that court; and, as the petitioners have reason to believe, the said Andrew Fletcher ordered the said macer to take directions from Patrick Lindsay, provost of Edinburgh, as to the manner of executing that warrant; and such directions were accordingly given, as the petitioners have reason to believe, in writing; that this warrant was accompanied by an order from brigadier-general Moyle, then acting as commander in chief of the forces in Scotland, to the commanding officer of the dragoons then quartered in Haddington, to assist with his dragoons in the execution of the warrant; that upon the 25th day of the said month of October, the petitioners were seized by the said Humphry Colquhoun; and though the next sure prison was that of Haddington itself, or that of North Berwick, and though the petitioners desired either to be committed there, or to be carried to Edinburgh, the seat of the courts of justice, where they might apply for redress; yet he told them, that his orders were to carry them to the prison of Dunbar, and no other, a place twenty miles distant from Edinburgh, and eight miles from Haddington, and three miles further from Edinburgh than North Berwick; and though the pretended crime was bailable, and Alexander Hepburn, the sheriff's substitute, to whom the petitioners applied, was by law impowered, and willing to admit them to bail, the said Humphry Colquhoun told them, that he could not dismiss them upon bail, his express orders being to take no bail, but to commit his prisoners to the prison of Dunbar; where they were accordingly imprisoned from the 25th day of October, to the 27th of the said month, till, by warrant from the hon. David Erskine of Dun, another of the judges of the said courts of justiciary and session, the petitioners were set at liberty, and execution of the warrant was staid against the rest, upon bail given by the petitioners and them; and that since that time no criminal prosecution has been moved for, upon any of these pretended crimes charged against the petitioners or the rest; that these proceedings, as the petitioners apprehend, and are advised, were utterly illegal and oppressive on the part of the said Andrew Fletcher of Miltoun, tending to destroy the personal liberties of every subject, the freedom of the royal burghs, and of consequence the freedom of election of members to serve in Parliament for such burghs; and as the petitioners can hope for no redress but from the justice of Parliament; therefore praying the House to take the premises into consideration, and to grant such redress therein as may effectually prevent such oppressions in time coming, and as otherwise to the House shall seem meet."

After this Petition was read, a motion was made for referring it to a committee of the whole House, upon which there was a long debate; but the question being at last put, it was, upon a division, carried in the negative, by 197 to 155.

March 14. A motion was made, That part of an act of the parliament of Scotland in 1701, intitled, An Act for preventing wrongous Imprisonment, and against undue delays in Trials, might be read; which being accordingly read, it was moved, that leave be given to bring in a Bill for explaining and amending the said act; and the same being agreed to, Mr. Dundass,* the lord Polwarth, and Mr. Sandys, were ordered to bring it in.

Debate in the Lords on the Scotch Wrongous Imprisonment Bill.] May 9. The said Bill having passed the Commons, it was this day read a second time in the Lords, when a motion was made by the earl of Strafford, for having the Act passed in Scotland in the year 1701, read to the House; whereupon

The Earl of *Ilay* stood up, and spoke to this effect:

My Lords; I shall readily join with the noble Lord in the motion he has made for having the act, to which the Bill refers, read to your Lordships: this I will rather

* "Mr. Dundass was esteemed the greatest genius in the law, that Scotland had ever produced. In speaking, he was amazingly fluent and copious; but his language, through its provinciality, and his own inattention, was coarse and vicious. He had been long in the administration of affairs in that country, where he had served as lord advocate; an office, somewhat resembling that of an attorney-general in England, but with much more extensive powers; and he exercised it with the utmost despotism and rigour. Being thoroughly devoted to party, when the interest of the Argyle family prevailed there, he grew a furious opposer of the minister, and very troublesome to him in the House of Commons." Tindal.

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agree to, because it has of late been industriously reported, that the liberty of the subject in Scotland is no way secured: it has, I know, been confidently asserted, that the subjects in that part of the island, are still in a state of absolute slavery; but when your lordships have heard that act read, you will see that there is no manner of ground for such reports. Your lordships will see that the Scots have not been idle, whenever they had an opportunity for securing their liberties, or for amending, explaining, or enforcing that part of their law which relates to securing the rights and liberties of the subject: therefore I hope your lordships will give all possible attention to the reading of this act; and as there are some law-terms and expressions in it which some of your Lordships may not perhaps so well understand, I shall beg leave, after it is read, to give some short explanation of them, from which I hope I shall be able to make it appear, that the act stands no way in need of any amendment or explanation; and that the Bill now before us, instead of securing the rights and liberties of the subject, will render them more uncertain and precarious than they were before. [The Act was then read, and then his lordship stood up again, and, after giving a short explanation of the Scotch law-terms, went on to this effect.] Thus, your Lordships may see, that no man in Scotland can be taken up or imprisoned, unless an information, in writing, and signed by the informer, be first exhibited against him; and when any person is to be sent to prison, the magistrate who commits him is by law obliged to express in his warrant of commitment, the crime he is charged with, or the cause of his imprisonment; and farther, the jailor or keeper of the prison to which he is committed, is obliged to deliver to the prisoner, a copy of his warrant of commitment: then, my Lords, with respect to trials, if a prisoner be not brought to his trial within a certain number of days in the act limited, he may apply to the proper court, and upon such application, that court is by law obliged to bring him to an immediate trial, or otherwise to discharge him. And lastly, my Lords, with respect to bail; if the crime with which any prisoner is charged, be bailable, it is expressly ordered by the same act, that the judge or magistrate before whom he is brought upon any such charge shall admit him to bail, and shall not require bail for any great or immoderate sum; nay, the law goes farther, it limits the magistrate to a certain sum for which he is to take bail, according to the rank and quality of the person accused: and the sums so limited, are by this act so small that even the parliament of Scotland thought fit afterwards to encrease them to double the sums first appointed.—From these few observations, your lordships may see that the liberty of the subject in Scotland, is as fully secured by this act, as the liberty of the subject is in England by the Habeas Corpus; nay, with respect to bail, the liberty of a subject in Scotland is, in my opinion, better secured, because the sum for which a man is to give bail, is there limited and ascertained; whereas, in England, the sum for which a man is to give bail, is left entirely to the discretion of the judge or magistrate who is to take the bail. It is true, in Scotland, an information upon oath is not required; but that proceeds from the whole spirit and tenor of their laws, by which an oath is deemed so sacred, that it is not presumed, that any real honest man will voluntarily subject himself to it; and whoever does so, is called an ultroneous witness, which is in that country always deemed a good reason for suspecting his evidence: and in all criminal matters, the lawyers and judges of Scotland, have always been of opinion, that no witness ought to be examined upon oath against any man, but in a public court, and in the presence of the prisoner, when he and his counsel have an opportunity, and have always full liberty to cross-examine the witness, and to make him explain fully every thing he says.—His Lordship then spoke to the several clauses of the Bill, and endeavoured to shew the bad consequences with which they would be attended, and then concluded with his being against committing of the bill, for the reasons he had offered; and because, that if there was any cause for altering the law of Scotland, he thought such a great alteration as was proposed by that bill, ought not to be made, but after the most full and mature consideration, which he thought they could not have time for, so near the end of a session of parliament.

The Lord *Carteret* answered in substance as follows:

My Lords; As I cannot pretend to any knowledge in the law of Scotland, much less to such a thorough knowledge of that

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law as the noble lord who spoke last, I am at some loss when I rise up, to speak to the bill now before us. I will grant, my Lords, that the Scots have provided as well for their rights and liberties as they could, and that they have formerly endeavoured to prevent all the dangers and encroachments which could then be foreseen; but it is impossible, it would be vain in any man, or in any set of men, to pretend to guard against all the dangers that may thereafter arise. The facts or events which gave occasion for bringing this bill into the other House, are, it is true, before us; but it is certain, and I have even heard, that some things have happened lately in that country, which shew, that all the encroachments that may be made upon the liberty of the subject, are not sufficiently guarded against by the act of the Scotch parliament which has been now read to you. These late occurrences, we may suppose, gave rise to this bill in the other House; and as there are a great many gentlemen in that House who thoroughly understand the law of Scotland, we must suppose that they made it fully appear to the House, that some such bill was necessary, before the bill could pass in that House. This, my Lords, is a general reason, at least, for our not rejecting this bill; but from the objections the noble lord has been pleased to make to it, I plainly see there is a necessity for passing some such bill. It is, I think, most unreasonable, that any man should be deprived of his liberty, and subjected to the danger and expence of a trial, perhaps for his life and fortune, upon a vague and general information, not sworn to, but only signed by the informer; which he may, perhaps, have given out of malice, or in a passion. I shall always think that some sort of evidence is necessary, before a subject be imprisoned, or so much as prosecuted for any crime; and I am sure, the least evidence that can, in such a case, be required, is the oath of one witness. Another particular reason for evincing the necessity of some such bill is, that I find it is neither the law nor the custom in Scotland, to examine the person accused before he is committed to prison; yet this I must think ought always to be done, because, by such examination, the magistrate who grants his warraant, may find, that the information upon which he granted the warrant, was false and malicious. This, my Lords, I am convinced of from experience; for when I had the honour to be in a place of high trust under the crown, there was a fellow came to me, and gave me an information upon oath, of no less a crime than high-treason, against some persons in Wapping; which information was so clear and distinct, and the facts so probable, that I had not the least reason to doubt of it; however, as it was my duty, I ordered the persons accused to be brought directly before me; and, upon examining them, I very soon found that it was a false and a villainous information, given by a fellow who had run deeply in their debt, and had taken that way to get free of what he owed them; whereupon I dismissed the persons accused, and had the informer immediately secured: of this story I acquainted his late Majesty, who was so good as to order the Attorney-General to prosecute the fellow for perjury, of which he was accordingly convicted, and for which he suffered severely. —His lordship then proceeded to examine the objections made to the several clauses of the bill, most of which he endeavoured not only to answer, but to shew, that from each of them arose a strong argument for the necessity of passing some such bill. Some of the objections however he admitted, but shewed, that they might be very easily removed by amendments, which might and certainly would be made in the Committee; and concluded with saying, That he hoped he had said enough to persuade their lordships that they ought to commit the bill, where they might make what alterations and amendments they thought proper; and if any of their lordships should not be pleased with it when so altered and amended, they might throw it out upon the third reading.

Protest against not committing the said Bill.] After debate, the question was put, Whether this Bill shall be committed? It was resolved in the negative, Contents 28, Not Contents 68.

" Dissentient.

1. " Because we apprehend a bill of this nature, sent up from the House of Commons, ought at least to have undergone the form of a commitment; since whatever was unnecessary or wrong in it, might there have been left out or amended. But several matters contained in the bill seem to us highly expedient to be passed into a law; for by the law of Scotland, as it now stands, any judge may, by a summary warrant, commit persons upon information signed without any oath made, and without

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convening the parties before him, or hearing what they can alledge in their own justification, and send them to a remote prison in any corner of the kingdom. No express words in any statute, do at present forbid such a practice, and we have great reason to believe that some abuse of this unlimited power did appear before the House of Commons, which might probably give the first rise to the Bill.

2. "Because, as the Habeas Corpus act is the great security of the liberties of this part of the united kingdoms, it would be, in our opinion both unsafe and ungenerous, not to extend the same liberty to the other. For, should they who have hitherto been brave assertors of their liberties, find themselves exposed to oppression, from which the rest of their fellow-subjects are secured by law, necessity may prompt them to attempt, by violence, to free themselves; or revenge provoke them to become the instruments of power, and bring us under the same dependence. And the history of the late times sufficiently convinces us, that in those reigns, when arbitrary power was designed and attempted in this kingdom, desperate and adventurous agents were first sent to try the experiment in Scotland.

3. "Because there was a provision in the Bill, to prevent an abuse of seizing persons on pretence of debt, and detaining them till the elections were over, where they had a right to vote; the protection granted by the Bill was no more than what every common court of justice actually allows to any evidence whose presence may be necessary in matters of much less consequence: and we cannot help testifying our surprize, that this regulation has not already been made over the whole united kingdoms: we hope however, another session will not pass without taking effectual care to prevent such a dangerous abuse of law.

4. "Because experience has shewn us the benefit which arose from delivering the subjects of that part of the kingdom from their vassalage, and freeing them from a servile dependence on their superiors; and as we conceive the purport of this bill was no more than a natural extension of the same measure, it would have been the most probable, if not the only method to eradicate any remaining disaffection: though we have no grounds to suppose from any late transactions, that there is any such. On the contrary, those who were thought the most disaffected, have lately appeared sufficiently tractable. But what disaffection the rejecting such a Bill may create, even among the best subjects, and those who have always been most attached to the present establishment, we cannot reflect upon without concern. For, as the union was made in support of the present establishment, which is founded upon the revolution, and the revolution upon principles of liberty, they who have always asserted those principles may (as we apprehend) justly complain, that the liberty of the subject is not equally secured in every part of the united kingdom.

5. "Because, we are apprehensive it will appear very extraordinary to the world that a Bill for the security of the liberty of the subject should have been thrown out of this House without a commitment, when so many Bills have passed for laying on or continuing severe and heavy duties upon them. Remote apprehensions, dangers barely possible, and suspicions of disaffection, have been arguments formerly made use of on the side of the crown, for enacting the severest penal laws upon the subject; and we conceive it still more incumbent on the legislature to be watchful over the liberties of the people, committed to their care, since it is much easier to restrain liberty from running into licentiousness, than power from swelling into tyranny and oppression.

6. "Because liberty being the common birth-right of all mankind, and still preserved to this nation by the wisdom and courage of our ancestors, we think an infringement of that right, though but for an hour, by wrongful imprisonment, is not only an injury to the person immediately concerned, but a notorious invasion of the constitution. We should not deserve those liberties ourselves, if we did not take the most effectual methods to transmit them in their full extent to latest posterity, and to restrain, by proper laws, any flagitious attempts of ministers prompted by ambition, or drove by despair, who may at any time hereafter endeavour to undermine or attack them. Humanity and generosity particularly call upon us, who are distinguished by many privileges and advantages peculiar to ourselves, to secure to the people that liberty which they have an equal right to with us; a blessing! the meanest subject of this kingdom ought ever to enjoy in common with the greatest. *(Signed,)*

Chesterfield, Oxford and Mortimer,
Montjoy, Haversham, Suffolk,

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Foley, Cobham, Strafford, Bathurst, Litchfield, Boyle, Berkshire, Coventry, Thanet, Gower, Winchelsea, Northampton."

The question having been thus carried against committing the Bill, it was of course rejected.

Resolutions of the Commons relating to the Maintenance of the Poor.] March 27. The Commons appointed a committee to consider the laws in being relating to the Maintenance and Settlement of the Poor, and to consider what further provision might be necessary for their better relief and employment. And the said Committee having considered and examined this Affair with great care and attention, came to several Resolutions as follow:

"Resolved that it is the opinion of this Committee,

1. "That the laws in being, relating to the Maintenance of the Poor of this kingdom, are defective; and notwithstanding they impose heavy burthens on parishes, yet the poor in most of them, are ill taken care of.

2. "That the laws relating to the Settlement of the Poor, and concerning Vagrants, are very difficult to be executed, and chargeable in their execution; vexatious to the Poor, and of little advantage to the public; and ineffectual to promote the good ends for which they were intended.

3. "That it is necessary, for the better relief and employment of the Poor, that a public workhouse or workhouses, hospital or hospitals, house or houses of correction, be established in proper places, and under proper regulations, in each county.

4. "That in such workhouse or workhouses, all poor persons, able to labour, be set to work, who shall either be sent thither or come voluntarily for employment.

5. "That in such hospital or hospitals, foundlings and other poor children, not having parents able to provide for them, be taken care of; as also poor persons that are impotent or infirm.

6. "That in such house or houses of correction, all idle and disorderly persons, vagrants, and such other criminals as shall be thought proper, be confined to hard labour.

7. "That towards the charge of such workhouses, hospitals, and houses of correction, each parish be assessed or rated, and that proper persons be empowered to receive the money so to be assessed or rated, when collected, and also all voluntary contributions or collections, either given or made for such purposes.

8. "That such workhouses, hospitals, and houses of correction, be under the management of proper persons, regard being had to such as shall be benefactors to so good a work.

9. "That such persons as shall be appointed for the management of such workhouses, hospitals and houses of correction, be one body politic in law, capable to sue and be sued, and of taking and receiving charitable contributions and benefactions for the use of the same.

10. "That for the better understanding, and rendering more effectual the laws relating to the Maintenance and Settlement of the poor, it is very expedient that they be reduced into one act of parliament."

These Resolutions were reported to the House on the 2nd of May, and on the 7th of the same month, were all agreed to without Amendment, except the 9th, which was amended thus, viz.

"Resolved, that such persons as shall be appointed for the management of such workhouses, hospitals and houses of correction, be one body politic in law, capable to sue and be sued, and of taking and receiving charitable contributions and benefactions, in money, for the use of such bodies politic."

And then this Resolution so amended, was agreed to by the House.

Petition of the Church of Scotland relating to Patronages.] April 10. A Petition of the then late general assembly of the Church of Scotland, was presented to the Commons and read, representing, "That Patronages have, since the Reformation, been deemed by the said Church a very great grievance, and not warranted by the Word of God, and have at all times been struggled against; that, soon after the Revolution, an act of parliament was made in Scotland, abolishing the power of patrons to present ministers to vacant churches; and at the Union of the two kingdoms, the establishment of the Church of Scotland, in all its rights and privileges, by that and other acts of parliament made or ratified after the Revolution, was declared to be a fundamental and essential condition and arti-

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cle of that Union; and at that time, it was the right and privilege of the said Church to be free from patronages; but that, by an act passed in the 10th year of her late majesty queen Anne, entitled, An Act to restore the Patrons to their antient Rights of presenting Ministers to the Churches, vacant to that part of Great Britain called Scotland, the aforesaid act passed in the reign of king William, was rescinded in so far as concerned the power of patrons to present ministers to vacant parishes, of other advantages, which had been the chief things bestowed on patrons, in lieu and recompence of their former right and presentation, were nevertheless suffered to continue with them; and therefore praying the House to pass a Bill for repealing the aforesaid act of parliament, passed in the 10th year of queen Anne, in so far as concerns the power of patrons to present ministers to vacant churches, in order to restore the Church of Scotland to the rights and privileges she was possessed of at the Union of the two kingdoms.

In pursuance of this Petition, leave was given to bring in a Bill for this purpose, and Mr. Plumer, Mr. Ereskine, Mr. Forbes, Mr. Areskine, sir James Ferguson, and Mr. Hume Campbell, were ordered to prepare and bring in the same; which Bill was presented by Mr. Plumer on the 18th but did not pass.*

April 22. A Bill for limiting the number of officers to sit in the House of Commons being read a second time; and a motion being made for committing the same, there ensued a great debate. The chief speakers for committing the Bill were Mr. John Pitt, Mr. Boone, Mr. Lyttleton, lord Polwarth, Mr. Hume Campbell, sir Joseph Jekyll, sir William Wyndham, and sir John Hynde Cotton. The speakers against committing it were Mr. Stephen Fox, Mr. Stephen Cornwallis, Mr. Lewis, Mr. Hanbury Williams, Mr. Robert Byng, Mr. Lindsay, Mr. Oglethorp, Mr. Danvers, Mr. Thomas Corbet, hon. Mr. Henry Pelham, general Wade, sir Robert Walpole, and Mr. Rider the Solicitor General. But the question being at last put for committing the Bill, it was carried in the negative by 216, against 192.

The King's Speech at the Close of this Session.] May 15. The King came to the House of Peers, and the Commons being sent for and attending, his Majesty gave the royal assent to several Bills: after which, he put an end to the session with the following Speech to both Houses:

" My Lords and Gentlemen,

" I am glad the business of this Session of Parliament is brought to such a conclusion, that I have now an opportunity of giving you some recess, after the great pains you have taken in the service of your country. On this occasion I must in justice return you my thanks for the many instances you have given me of your duty and affection to my person and government, and for the necessary provisions you have made for the public security, as far as the immediate circumstances of affairs might require.

" I have considered with great care and attention the present situation of Europe, and duly weighed the consequences, that may arise from the progress of the war, either by means of its becoming more general, or continuing only to be carried on between the powers already engaged.

" An accommodation of these unhappy troubles appeared to be the best means to prevent the dangers, that are to be apprehended on either side. In this view, a plan of pacification was concerted between me and the States General with great impartiality, and not without reasonable grounds to hope for success, although it hath not had the desired effect.

" But all future resolutions, to be taken in this important and critical conjuncture, must be principally determined by future events: this makes it impossible for me, at present, to take the previous advice and concurrence of my Parliament in such measures, as may become absolutely necessary to be entered into. But you may be assured, that my constant concern for the public welfare, the liberties of Europe, and, in particular, for the felicity and security of these kingdoms, will never suffer me to take any steps, but such as the honour and interest of my crown and people shall call for and justify; and in the pursuit of these great and desirable ends, I do, with the best grounded confidence, promise

* " When it came to be read a second time on the 2nd of May, it was opposed, chiefly by the desire of the Scotch members themselves; who, being most of them patrons, thought the bill was an invasion upon their rights: the House, however, divided, and the bill was postponed for a month, which was the same as dropping it, by a majority of 169 against 62. As this was looked upon as an act of the minister, it did him and his friends no service with the violent presbyterians in Scotland." Tindal.

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myself your zealous and affectionate support.

" Gentlemen of the House of Commons,

" I return you my hearty thanks for the supplies you have, with so much chearfulness and dispatch, granted for the service of the current year, which have been so effectually raised, and accompanied with so seasonable an augmentation of our forces by sea and land, that I shall be in a condition to make use of them, in the most advantageous manner, for the public service, as any occasion, that may happen to arise, shall require.

" My Lords and Gentlemen,

" The conduct and prudence of this Parliament, in a time of so great difficulty, cannot be enough commended. The posture of affairs before us required all possible resolution, joined with caution, neither to be unwarily involved in the present disturbances, nor to remain unprovided against those dangers, which are too obvious to stand in need of any explanation, and may either directly or remotely affect us.

" As I think it necessary this summer to visit my dominions in Germany, it is my intention to appoint the queen, Regent here during my absence; of whose just and prudent administration you have on the like occasion had experience. Let me earnestly recommend it to you, to render the burden of this weighty trust as easy to her as possible, by making it your constant study and endeavour, as I am sure it is your inclination, to preserve the peace of the kingdom, and to discountenance and suppress all attempts to raise groundless discontents in the minds of my people, whose happiness hath always been, and shall continue my daily and uninterrupted care."

Then the Lord Chancellor, by his Majesty's command, prorogued the Parliament to the 12th of June. It was afterwards farther prorogued to the 15th of January, 1736.

SECOND SESSION
OF THE
EIGHTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on opening the Session.] January 15, 1736. The King came to the House of Peers, and the Commons attending, his Majesty opened the session with the following Speech to both Houses:

" My Lords and Gentlemen;

" The happy turn which the Affairs of Europe have evidently taken since the end of the last session of parliament, must, I am persuaded, give you all, as it does me, the greatest satisfaction.

" I acquainted you then, that a Plan of Pacification, concerted between me and the States General of the United Provinces, had been proposed to the parties engaged in war, which had not the effect to prevent the opening of the campaign: the armies took the field, and the war was carried on in some parts, in such a manner as to give very just apprehensions, that it would unavoidably become general, from an absolute necessity of preserving that Balance of Power, on which the safety and commerce of the maritime powers so much depend.

" This consideration determined me to persevere jointly with the States, in repeating our most earnest instances to the contending parties to agree to an armistice, and to enter into a negotiation for obtaining a general peace, upon the basis of the plan we had then proposed to them.

" Whilst affairs continued in this state of deliberation, the heat and fury of the war abated; and the Emperor and the most Christian King, in consequence of their repeated professions of a sincere disposition to put an end to the war by an honourable and solid peace, concerted and agreed upon certain preliminary Articles to answer that most desirable end. An Armistice is since agreed to by all the parties engaged in the war; and the contracting powers, in regard to the good offices employed by me and the States, have communicated to us, by their respective ministers the preliminaries; desiring our concurrence for effectuating a general pacification upon the terms thereby stipulated.

" It appearing upon due examination, that these Articles do not essentially vary from the plan proposed by me and the States, nor contain any thing prejudicial to the Equilibrium of Europe, or to the rights and interests of our respective subjects, we thought fit, in pursuance of our constant purpose to contribute our utmost towards a pacification, to declare, by a joint resolution, to the courts of Vienna

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and France, our approbation of the said preliminaries, and our readiness to concur in a treaty to be made for bringing them to perfection.

"These Preliminaries have been likewise communicated to the kings of Spain and of Sardinia; and although those princes have not as yet, in form, declared their final resolutions upon them, there is great reason to believe that the love of peace, their avowed dispositions for putting an end to the troubles of Europe, and the amicable interposition of common friends, will prevail upon them to agree to what has been thus concerted, upon reasonable security given them, for the peaceable possession and enjoyment of the countries allotted to them.

"In these circumstances, my first care was to ease the burthens of my people, as soon and as far as prudence, in the present posture of affairs, would permit. I have therefore ordered a considerable reduction to be made of my forces, both by sea and land: and if the influence of the crown of Great Britain, and the respect due to this nation, have had any share in composing the present troubles in Europe, or preventing new ones, I am persuaded you will be of opinion, that it will be necessary to continue some extraordinary expence, until there be a more perfect reconciliation among the several powers of Europe.

"Gentlemen of the House of Commons;

"I have ordered the proper officers to lay before you the Estimates for the service of the current year; and I make no doubt, but my desires to make the charge of the public as low as possible, will find in you the same readiness to grant the necessary Supplies with chearfulness and unanimity."

"My Lords and Gentlemen;

"I am willing to hope, this pleasing prospect of peace abroad will greatly contribute to peace and good harmony at home. Let that example of temper and moderation, which has so happily calmed the spirits of contending princes, banish from among you all intestine discord and dissension. Those who truly wish the peace and prosperity of their country, can never have a more favourable opportunity than now offers, of distinguishing themselves, by declaring their satisfaction in the progress already made towards restoring the public tranquillity, and in promoting what is still necessary to bring it to perfection."

Debate in the Lords on the Address of Thanks.] As soon as his Majesty was withdrawn the above Speech was taken into consideration by the Lords, and the same being read to the House, it was moved as follows, viz.

"To order that an humble Address be presented to his Majesty, to return the Thanks of this House for his most gracious Speech from the throne: to express the just sense this House hath of his Majesty's great concern for the Balance of Europe, his vigilance to prevent a general war, and to maintain the security and commerce of his kingdoms: to declare their satisfaction in his Majesty's perseverance to pursue these great ends, by endeavouring to bring the contending powers to an accommodation, and the well-grounded hopes which they always conceived, that the good offices of his Majesty and the States General would be attended with real and beneficial effects: to congratulate his Majesty on the pleasing prospect of approaching tranquillity, and to express the great satisfaction of this House upon the gracious communication made in his speech touching the preliminary articles between the emperor and France, and the joint resolution taken thereupon by his Majesty and the States: to acknowledge, with the greatest gratitude, his Majesty's tender care of his people, in preserving to them the blessings of peace; and to declare that this House sees with pleasure, in our present situation, the happy effects of the extraordinary supplies of late years granted by Parliament: to return his Majesty the thanks of this House, for the orders given for a reduction of his forces; assuring him, in the strongest manner, that this House will zealously and chearfully concur in all such measures as shall be necessary to secure the safety of his Majesty's kingdoms, and to continue the just influence of his crown among the powers abroad: to promise his Majesty, that this House will, to the utmost, promote good harmony and unanimity at home, and demonstrate, by all their actions, how much they have at heart the effectual support of his Majesty and his government, the preservation of the Protestant Succession and the peace and prosperity of their country."

To this Motion several objections were made; and in particular it was proposed to leave out, in the fifth paragraph, these words, viz. "And to declare, that this "House sees with pleasure, in our present

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" situation, the happy effects of the extra-
" ordinary supplies of late years granted
" by parliaments."

The Arguments made use of in support of this Amendment, were in substance as follow :

My Lords; By the ancient usage of this House, no speech from the throne was ever taken into consideration the same day it was made. Our ancestors were not so complaisant as to make any compliments even to the throne itself, without having first maturely weighed the subject upon which they were to make those compliments; and therefore they always appointed a day for taking his Majesty's Speech into consideration; in order that those lords, who knew nothing of the speech till they heard it from the throne, might have time to peruse it, and to consider what might properly be said, by way of return. This, my Lords, was the ancient custom, and this, I must think, was more consistent with the honour and dignity of this House, than the method we have lately fallen into, of taking his Majesty's Speech immediately into our consideration, and agreeing to such an Address as some lords may be pleased to propose, before we can possibly have time to consider whether it be proper or not. For this reason I could wish we would return to our ancient custom, and, instead of agreeing or disagreeing to the motion now made, appoint a day for taking his Majesty's Speech into our consideration, and order the House to be summoned for that purpose.

As I knew nothing of the contents of his Majesty's Speech, till I heard it from the throne, it cannot, my Lords, be presumed that I can state my objections to the address now proposed, in such a regular manner as I might do, if a day were appointed for our taking the speech into consideration : I believe there are a great many other lords in the same circumstances with me : and although we had, in a private manner, been fully informed of the contents of that speech which was to be made, yet I do not think it regular or consistent with the dignity of this House, to proceed upon any such private information. As members of this House, we can have nothing under our consideration, nor ought we to form an opinion or a resolution about any thing, till it has, in a proper and regular manner been laid before the House and, in this light, I am of opinion none of your lordships can say, that you have fully and maturely considered the speech now before you ; for my own part, I am sure I cannot; but, even from the little time I have had to consider the Speech and the Address now moved for, I am sure I cannot pretend to say, that my hopes have been answered by the peace that has been concluded, or by any thing else that has happened; for I must say, I could never form any hopes from the measures we have taken, or from any account of our late transactions, that has ever been laid before this House ; and, I believe, there are many of your lordships, who have always been of the same opinion with me ; therefore, if we resolve to mention in our address, any thing about our hopes, I think we ought to say, that by various hidden causes, and extraordinary incidents, Providence has been pleased, without any merit in us, to bring about a peace, far beyond our hopes, and even contrary to our expectations. A peace, my Lords, has, it is true, been brought about, but I am very certain, we cannot say it is a good peace for this nation ; and I am much afraid, it will not be so lasting as some people may perhaps imagine.

I know, my Lords, it has always been said that no expressions in our address of thanks, for his Majesty's most gracious Speech from the Throne, can any way tie up or controul the future proceedings or resolutions of this House ; yet I hope we shall always take care, not to put any expression or allegation in an address of this House, which the generality of the world knows to be false: and for this reason, I cannot agree to put any words into our address, which may seem to insinuate, that the peace was owing to any preparations made by us, or to any supplies granted by former parliaments. Can it be pretended, that there is the least ground for any such insinuation? can it be said that our adding 6 or 7,000 men to our land forces, had so frightened France, as to make them give up any of those pretensions they had seriously at heart? can it be alleged, that our squadrons made them give up the affair of Poland, when the whole world knows, we never sent so much as one ship into the Baltic? or can it be said, that our squadrons set limits to any of their designs in Italy, without ever appearing in the Mediterranean? My Lords, whatever his Majesty's endeavours were, we may judge from the event, that he could have no hand in the peace that has been concluded; for I am convinced his Majesty never did,

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nor ever would use the least endeavour, for annexing to the crown of France for ever, the whole dominions of the duke of Lorraine: this, my Lords, is a cession, which this nation, as well as the rest of Europe, may soon have reason to repent of. It is a measure, which I am sure his Majesty would never propose or countenance; and if any of his ministers did so, I call upon them now to declare it: but, my Lords, I believe no one of them will dare to own any such thing; and as this was apparently the motive, which induced France to sacrifice all her other views, as well as most of the views of her Allies, how can we say in our address, with any appearance of truth, that the peace was owing to our preparations, or to any of his Majesty's endeavours? Or how can we from thence declare, that we see with pleasure, the happy effects of the extraordinary supplies of late years granted by parliaments? Therefore, if your lordships are resolved to agree immediately upon an address of thanks, I hope you will leave these words out of your address; for I cannot think any of your lordships will say, you see with pleasure the dominions of France enlarged, by the accession of such an extensive and convenient country as that of the duchy of Lorrain.

The Answer was in substance as follows:

Whatever the ancient custom may have been, my Lords, with relation to the appointing a day to take his Majesty's speech into consideration, it is certain this custom has been long laid aside; for it must be granted, that not only for a great many years, but even for a great many reigns, the custom and usage of this House has always been to take his Majesty's speech immediately into our consideration, and to order an address, by way of return thereto. This I say, my Lords, has been the uninterrupted custom for many reigns; and now to deviate from that custom, or to reassume an old, obsolete custom upon the present occasion, would certainly look, as if we disapproved of some of the measures lately taken by his Majesty, and would be in some manner offering a sort of indignity to him; which I am persuaded no one of your lordships has the least inclination to offer; and for this reason I hope, neither the noble lord who proposed it, nor any other of your lordships will insist upon the question, for appointing a day to take his Majesty's speech into consideration.

If there were any thing very dark and intricate in his Majesty's speech, or in the motion now made to you for an Address; if any thing in the address could be of any great consequence, or have any great effect upon future proceedings, there might be some reason for our taking some time to consider his Majesty's speech, as well as the address proposed to be made upon the present occasion. But, in my opinion, and, I believe, in the opinion of most Lords of this House, there is not the least obscurity or ambiguity in any part of his Majesty's speech, or of the motion now made to us; and as no expression we can put into the address, nor any compliment we may make upon such an occasion, can have the least influence upon any of our future proceedings; therefore we have the less reason to be so mighty cautious of what we shall say upon the present occasion.

That peace is more desirable than war, is what I believe, will be granted by every one of your lordships; and it will, I believe, likewise be granted, that the balance of power in Europe was lately in great danger of being over-turned, and that this nation was lately in the most imminent danger of being involved in a bloody and expensive war. The restoring of the peace of Europe, the preserving and re-establishing the balance of power, and the preventing this nation's being involved in a war, are effects which all mankind must acknowledge to be happy, and they are effects, which have been lately, some way or another, brought about. For my own part, I am convinced they are the effects of the extraordinary supplies of late years granted by the parliament of this kingdom, and I shall continue to think so, till I see it demonstrated, that they have proceeded from some other cause. The adding of 6 or 7,000 men to our land forces, was not in itself, it is true, of any great consequence to France, or to any other power of Europe; but the making of that addition, and our contracting with the king of Denmark for some of his troops, shewed that we were in earnest, and that we resolved to enter into the war, for supporting the balance of power in Europe, as soon as we should observe, that either of the parties had any views, which were inconsistent with the preservation of that balance; in which case we could, and we certainly would have entered into the war, with a body of 70,000 men, or perhaps 170,000 in case of necessity. This, my Lords, France very well knew, and this, perhaps,

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made them give up some of those pretensions, they had at first seriously at heart, or at least prevented their having any pretensions seriously at heart, which were inconsistent with that, they saw us preparing to support and defend.

Although none of our squadrons appeared either in the Mediterranean or the Baltic, yet, my Lords, I am firmly persuaded, that our fitting out and preparing powerful squadrons, and our having them ready to sail either to the Mediterranean or the Baltic, as we should find occasion, not only set limits to the designs of France and her allies in Italy, but actually laid them under a necessity of departing from that scheme, relating to the partition of Italy, which they had formed to themselves at the beginning of the war: And as to the affair of Poland, though we did not send a ship into the Baltic, yet we know it was publicly reported, that our having fitted out such a powerful squadron, prevented the French from sending their Brest-squadron to the relief of Dantzick; so that if there was any truth in that report, it may be properly enough said, that our squadrons made them give up the affair of Poland.

With respect, my Lords, to the treaty of peace that has been concluded, I shall not pretend to determine, by what means, or by whose endeavours it has been brought about; but I cannot think it a peace of such dangerous consequence, as some are pleased to represent: The whole dominions of Lorrain are, it is true, to be annexed to the crown of France for ever; but it cannot be said, that France thereby gets any addition of power; for did she not formerly take possession of all those dominions whenever she pleased? So that, though France by this treaty of peace, acquires a new right or title, yet it cannot be said, that she acquires any new or additional power; But as this is an affair quite foreign to our present purpose, I shall only add, that I am convinced, there is not a lord in this House, who imagined four months since, that it was possible for the emperor to have made so good a peace, unless the maritime powers had actually engaged in the war, and had thereby enabled him to force the French and their allies to agree to reasonable terms. Yet, my Lords, we find this extraordinary event has been, some way or other, brought about, without engaging either of the maritime powers in the war; and, in my opinion, this event, extraordinary as it is, is entirely owing to the wisdom of his Majesty's conduct, and the good harmony which has always subsisted between him and his parliament; which harmony, if it be continued, will certainly establish and preserve that peace, which has been brought about, and will, at last, make this a happy and a flourishing kingdom; therefore, I hope your lordships will agree to the motion that has been made you, without any amendment or alteration.

The Reply was to this effect:

My Lords; Though the custom of appointing a day for taking his Majesty's speech into consideration, had been laid aside for a much longer time than it really has, yet as it was a good and a decent custom, it ought to be re-assumed; and our re-assuming an ancient usage, which all the world must allow to be a good one, can never look like a disapprobation of any of his Majesty's measures, much less can it be looked on as offering any indignity to him: but, my Lords, when we hear such an argument made use of, when we hear it said, that our re-assuming the ancient dignity of this House, will be offering a sort of indignity to his Majesty, it ought to make us cautious of ever neglecting or suspending any of those forms or customs, which have been established by our ancestors, for regulating the proceedings of this House; and this I hope your lordships will take particular notice of upon some future occasion: for if we be every session, or every parliament, giving up and never reassuming, we shall at last have neither decency nor solemnity left in any of our proceedings.

As I have had no time to consider either the speech or motion, I cannot pretend to determine whether or no there be any thing dark or intricate in either; but the easiest and most plain speech that was ever composed, to a man who has not considered it, must be the same, as if it were dark and intricate; neither the one nor the other can be understood, and no man who regards his character will give an answer or agree to what he does not understand. If there be nothing dark or intricate, either in the speech or motion, the less time will be necessary to consider them: but let both be as clear and intelligible as possible, it is reasonable that those Lords, who heard nothing of the speech, till they heard it in this House, should have some time to consider it, before they be desired to give their consent to any answer that can be made to it.

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With respect to the consequences of what we may happen to insert in our Address, or the effect it may have upon our future proceedings, considering how precipitately we are like to agree upon an address, I could almost wish it were a thing of as little importance, as it has been represented; but, my Lords, while this House preserves its honour and dignity, while this nation preserves its freedom, the Address of this House will always be of great consequence, and will have a great effect, not only upon our own future proceedings, but upon all the affairs of the nation; nay, upon all the affairs of Europe in general. We are not indeed, under any absolute necessity of conforming in our future proceedings to every thing contained in our Address of Thanks, for his Majesty's most gracious speech from the throne; but still it must be granted, that what we say in our Address, has an effect upon our future proceedings, and has been often made use of, as an argument against our agreeing to propositions afterwards made, because of their being repugnant to what we had said in our Address.

We all know, my Lords, that the compliments made to his Majesty upon any such occasion, are generally understood to be compliments made to his ministers; and if, in this session, we should enter upon an enquiry into the conduct of his Majesty's ministers, and should from thence discover that they had shewn no concern for the balance of power, that their negligence or their blunders had been the occasion of the late war, and that both the security and the commerce of these kingdoms, had been thereby brought into the utmost danger; I must beg of your lordships to consider, how inconsistent it would look for this House, to come to any such resolutions, after having at the beginning of the session agreed to the second paragraph of the motion now before you: and upon such an occasion, would not this apparent inconsistency be made use of as an argument, would it not be a prevailing argument against your coming to any such resolution?

But this is not all: the Address of this House, as long as we preserve any character or respect in the nation, will always have a great effect upon the minds of the people, and will, in some measure, influence the proceedings of the other House: nay, my Lords, it will have an effect upon the conduct of all the princes of Europe, and may induce them to come into such measures, as may be highly prejudicial to the interest of this nation, and such as cannot be recalled or remedied, by any future resolution of this House. With respect to our conduct in the interval of parliament, foreign powers may perhaps look upon it, as the conduct of our ministers, and not of the nation; and for that reason, they may suspend entering into any measures, or coming to any resolutions to our prejudice, till the meeting of the next session of parliament; but if they then see the two Houses of Parliament complimenting his Majesty's ministers, and approving of all they have done, they will then begin to look upon our past conduct, as the conduct of the nation, and will immediately take their measures or their resolutions accordingly. We have it, it is true, in our power to depart from our Address by a future resolution, but after the resolutions of foreign states are taken, after they have concerted their measures, we cannot make them depart from such measures or resolutions, by any future resolution of ours; and thus, by an ill-timed compliment to his Majesty, or rather to his ministers, we may involve our country in great difficulties, and bring it to the utmost distress.

Peace, my Lords, is certainly a most desirable thing, but it is not always more desirable than war: if at the end of king William's reign we had thought a peace at any rate more desirable than war, not only this nation, but perhaps the greatest part of Europe, would long before now have been slaves to France: we ought not therefore to be so extremely busy with our congratulations upon the pleasing prospect of approaching tranquillity: we ought first to examine what sort of a tranquillity we are like to have, and what the consequences of it may be. I shall readily agree with the noble lord, that the balance of power was lately in great danger; I shall likewise agree, that this nation was lately in great danger of being involved in a bloody and expensive war; but I cannot agree with his lordship in thinking, that in either case the danger is quite over. On the contrary, I think the balance of power is brought into more danger by the peace, than it was by the war: because, if the war had continued, it was in our power to have recovered it from that danger, whenever we had a mind; but it will not be in our power whenever we have a mind, to take Lorrain from France, or to get the

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emperor, Poland and Muscovy to join with us in that undertaking; and as France was before an over-match for any power in Europe, the addition of any thing, even the smallest village, to that crown, is a step towards overturning the balance of power; but the addition of such a populous and fertile province as the dukedom of Lorrain, is certainly a most wonderful stride.

I am surprized to hear it said, that France acquires no new or additional strength by the surrender of Lorrain. It is true, she generally took possession of it at the beginning of a war; but as that country was generally rendered desolate by the war, she could reap little benefit by it during the continuance of the war; and upon a peace she was always obliged to restore it: then again, while that duchy continued in the possession of its own princes, and was a part of the empire, it was a barrier for all that part of the empire situate between it and the Rhine; because the seizing of any place in Lorrain by France, was always looked on as a declaration of war, by which the princes of the empire were alarmed, and had some time to put themselves upon their guard: but Lorrain being now given up to France, its towns will immediately be strongly fortified, and numerous garrisons kept in them, by which France will be enabled to surprise and take possession, whenever she pleases, of all that part of the empire between Lorrain and the Rhine; so that all that part of the empire, will from henceforth be in the same condition that Lorrain formerly was; and if Lorrain was before to be looked on as a part of the kingdom of France, because it was in her power to take possession of it whenever she pleased, we must for the same reason conclude, that from henceforth the county of Deux Ponts, a great part of the electorate of Treves, of the electorate of the prince Palatine of the Rhine, of the bishopric of Spiers, of the bishopric of Worms, and several other estates of the empire, are to be looked on as part of the kingdom of France; and therefore may hereafter be, without any jealousy, absolutely surrendered to her, if ever the doctrine should prevail, that there is no difference between a violent possession, and a rightful undisturbed possession. But, even with respect to Lorrain itself, the rightful, undisturbed possession of it will add vastly to the power of France; for even during the continuance of war, though France had possession of the country, she possessed none of the revenues; these having almost always been possessed by the dukes of Lorrain; whereas the revenues will be now much improved by its being no longer the seat of war, and will belong to, and be levied by France, both in time of war and in time of peace; from whence we may, with a great deal of probability conclude, that a yearly sum of at least 500,000*l.* sterling, will be added to the revenue of France by the accession of Lorrain; and as by the situation of Lorrain, the frontiers of France will be contracted, rather than enlarged, which will prevent her being obliged to keep up any greater land force than formerly, we may presume, that this whole sum will be employed yearly towards increasing and keeping up her naval armaments; and how a peace, which may so probably increase the naval power of our greatest and most dangerous rival, can be called a pleasing prospect to Great Britain, I cannot so readily comprehend. From these considerations, my Lords, I must leave it to your lordships, whether we ought to burst out in such raptures of joy on the pleasing prospect of approaching tranquillity.

Now, my Lords, let us see how we stand with respect to our own security and commerce: a peace is concluded, it is true, between the Emperor and France, but are we included in that peace? There were before several bones of contention between us and France, as well as Spain, and I am afraid, they are no way diminished by our late conduct. If by our powerful squadrons we set limits to the designs of France and her allies in Italy, or made France give up the affair of Poland; if by our preparations we prevented the king of France from establishing his father-in-law upon the throne of Poland, or the king of Spain from establishing his son in the dukedoms of Tuscany, Parma, and Placentia; can we expect that these disappointments will be easily forgiven or forgot? And in case these powers should make up the little differences at present subsisting between them, and should join together in order to revenge themselves upon us, are we sure of the Emperor for an ally? Have we, by our late conduct, laid him under any obligations of honour or conscience to fly to our assistance; or upon what else does our security depend? When to these questions, my Lords, I have received a satisfactory answer, I shall be ready to acknowledge, with the greatest gratitude, the tender care of his Majesty's ministers for

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his Majesty's people, in preserving to them the blessings of peace; and to declare, that I see with pleasure, in our present situation, the happy effects of the extraordinary supplies of late years granted by parliament.

I have, my Lords, as great an opinion of his Majesty's wisdom and conduct, as any lord in this House; but for the wisdom and conduct of his ministers, I have not, perhaps, the same esteem that some others may have; and since his Majesty's wisdom and conduct can never be brought in question here, since it is the wisdom and conduct of his ministers only that can come under our consideration, I have treated the subject the more freely. I shall always be fond of seeing a just and true harmony between his Majesty and his people, as well as his parliament; for, unless the harmony between the King and Parliament be founded upon a harmony between King and people, we can neither expect to meet with trust or confidence from our allies, nor can we expect to spread terror and dread among our enemies. Thus, my Lords, I have taken notice of what I take to be amiss in the motion now before you; I shall not insist, either upon delaying the consideration of this matter, or upon any particular amendment: because, from what I have said, the Committee, who shall be appointed to draw up the Address, will be able to rectify the motion; and I hope they will take care to do it in such a manner, as that the Address may be unanimously agreed to.

The Lords' Address of Thanks.] The question was then put, Whether an Address shall be made to his Majesty upon the foregoing motion? And it being resolved in the affirmative, without any division, and ordered accordingly; a Committee was appointed to draw it up; who retired immediately into the Prince's Chamber, and having drawn up an Address, it was reported and agreed to the same evening, and is as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to return your Majesty our sincere and most humble Thanks for your most gracious Speech upon the throne. The experience we have had of your Majesty's just apprehensions of the consequences of the war, and of your vigilance to prevent its becoming general, filled our minds with the strongest assurances, that the preservation of the balance of power, and of the safety and commerce of your kingdoms, were the governing motives of your Majesty's conduct.

"These principles, truly worthy of a King of Great Britain, we have seen exerted with a perseverance superior to all difficulties, by your uninterrupted endeavours to bring the contending powers to an accommodation, in order to the obtaining a general peace: And when we considered your Majesty's firmness, and the weight which this nation ought to have in the affairs of Europe, we always conceived well-grounded hopes, that your royal wisdom, and the good offices employed by your Majesty, in conjunction with the States-General, would be attended with real and beneficial effects.

"Permit us, Sir, on this occasion, to congratulate your Majesty upon the agreeable prospect of approaching tranquillity, which you have had the goodness to lay before us; and to profess the great satisfaction we feel, on your having communicated to us, that the preliminary articles agreed upon between the Emperor and the most Christian King, appeared, upon a due examination, to be such, as induced your Majesty, and the States, by a joint resolution, to declare your approbation thereof, and your readiness to concur in a treaty to be made for bringing this work to perfection.

"The union and harmony, which hath so happily subsisted between your Majesty and that republic, will, we trust, be productive of such farther good consequences, as may effectuate a general pacification: And the glorious example, which your Majesty hath held forth to other princes, of preferring the love of solid and honourble peace to the views of restless ambition, together with the amicable interposition of common friends, will, we doubt not, prevail entirely, to put an end to the present troubles.

"Your Majesty's tender care of your people, in preserving to them the blessings of peace, while other countries have been harrassed with war, calls for our most thankful acknowledgments, which we beg leave to lay at your royal feet.

"The extraordinary supplies of late years necessarily raised by your Parliament, however unwilling to burden their fellow-subjects, have been the result of their just confidence, that all powers reposed in your Majesty, would be made

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use of only for the honour of your crown, and the welfare of your people.

"It is with the greatest pleasure, we now see the happy effects of these measures, in our present situation; nor could we entertain the least doubt, but that your Majesty would improve the first opportunity to lessen this expence, as far as prudence and the posture of affairs would permit. In this view, we beg leave to return our unfeigned thanks for the orders, which your Majesty hath graciously been pleased to give for making a considerable reduction of your forces both by sea and land; and we cannot accompany those thanks with a more becoming proof of our gratitude, than by assuring your Majesty, as we most sincerely do, that we will zealously and cheerfully concur in all such measures, as shall be necessary to maintain the security of your kingdoms, and to continue the just influence of your crown among the powers abroad.

"We are deeply sensible of your Majesty's unwearied labours to make us a happy people. Nothing shall be wanting, on our part, to render those paternal labours effectual, by promoting good harmony and unanimity at home, and by demonstrating, in all our actions, how stedfastly we have at heart, the zealous and vigorous support of your Majesty and your government, the preservation of the Protestant succession in your royal house, and the peace and prosperity of our country."

The King's Answer.] Which Address was next day presented to his Majesty, who returned the following Answer:

"My Lords; I return you my Thanks for this dutiful and affectionate Address. Nothing can give me so sensible a pleasure, as the satisfaction you shew in my endeavours for the repose of Europe, and the care I have taken of the peace and welfare of my kingdoms. As I rely, with the greatest confidence, on your support in the pursuit of these great ends; so you may always depend on my steady perseverance in such measures, as may most effectually promote and secure the ease, commerce, and prosperity of my people."

The principal Speakers in the above debate for the Amendment to the motion were, the earl of Strafford, the lord Carteret, the earl of Chesterfield, and the lord Bathurst; the principal Speakers against it were, the duke of Newcastle, and the lord Hervey.

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, and the Speaker having reported his Majesty's Speech, Mr. Stephen Fox moved, "That an humble Address be presented to his Majesty, to return his Majesty the Thanks of that House for his most gracious Speech from the throne: to express their grateful sense of his Majesty's continued endeavours to restore the public tranquillity, and to avoid involving this nation unnecessarily in the fatal consequences of a general war: to congratulate his Majesty upon the happy turn, which the affairs of Europe had taken by their Imperial and most Christian Majesties having agreed to preliminary articles for a general pacification; and upon the great probability of their being accepted by all the powers engaged in the war: and to declare from the assurances his Majesty had been pleased to give them, that those preliminaries did not essentially vary from the plan of pacification concerted and proposed by his Majesty and the States General; from a just confidence in his Majesty's goodness, and the experience they had of his constant and parental care of the true interest of his people, through the whole course of this great and intricate work; and from his Majesty's having declared, in conjunction with the States, his approbation of the said preliminaries, as proper conditions of a general pacification; that they could make no doubt, but they were such as would give a general satisfaction: to return his Majesty their thanks for his early care in easing the burthens of his people, and reducing a considerable number of his forces both by sea and land: to assure his Majesty that they would with great cheerfulness, raise the necessary supplies: and, to testify their gratitude from a just sense of the blessings they then enjoyed, and from the prospect of future happiness, that they would support his Majesty in such measures as should be found reasonable and necessary to render that great and desirable work perfect and lasting."

Mr. Fox was seconded by Mr. Hanbury Williams: and lord Tyrconnell declared, That he thought the peace was more safe, honourable and glorious, than it was possible for us to expect. Upon this occasion Mr. Shippen and Mr. Walter Plumer took notice of that part of the King's Speech, which related to the reduction of the forces, and added, That they hoped some whole regiments would be reduced,

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and not a number of private men only, as had been formerly practised upon the like occasions; for that the reducing of a whole regiment would be a much greater saving to the nation, than the reducing of an equal number of private men: that in our present melancholy circumstances, every method ought to be practised by which the public money might be saved, in order to apply as much as possible yearly to the payment of our public debts.

That the advantage of reducing whole regiments, was apparent to every gentleman who would make the calculation; for by the establishment of last year, a marching regiment, which consisted of 815 men, cost the public about 15,217*l.* yearly; so that if a whole regiment should be reduced, there would be a saving of 15,217*l.* a year. Whereas if an equal number of private men only be reduced from that and other regiments, there would be a saving to the public of the pay of so many private men only, which in a year amounted to but 7,427*l.* from whence it is evident, that by a reduction of 8,000 men made by reducing whole regiments, the public would save 149,369*l.* yearly; whereas, a reduction of 8,000 men made by the reducing of private men only, saves but 73,000*l.* yearly; so that the difference to the public was a saving of 76,369*l.* yearly; a saving which ought not to be neglected. That though, for the first year or two, we should be obliged to issue near one half of this sum yearly for half-pay to the reduced officers, yet in a few years they would either die or be incorporated in the standing corps; so that we should soon save this whole sum yearly.

That it was not possible for them to find a military reason why we ought to keep up, and in whole pay too, a greater proportion of officers in time of peace than we did in time of war; and as there was no military reason for so doing, people would be apt to suppose it was done for a civil reason; which was a supposition injurious to his Majesty, or at least to his ministers; and for that reason they would in a particular manner recommend it to an honourable gentleman on the floor, (sir Robert Walpole) to reduce whole corps, instead of reducing private men only. Then Mr. Fox's motion was agreed to without debate, and a Committee ordered to draw up an Address accordingly.

Jan. 17. The Commons presented their Address as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, return your Majesty our unfeigned thanks for your most gracious Speech from the throne.

"We are truly sensible of your Majesty's early endeavours to put an end to the war, and can never enough admire the steady application, with which you pursued that great work, by the joint interposition of the good offices of your Majesty and the States General.

"And it is, with the warmest gratitude, we acknowledge your Majesty's particular care and circumspection, in all your proceedings, not to involve this nation unnecessarily in the war; when at the same time, your Majesty shewed you were not insensible of the imminent danger that threatened the liberties of Europe, from a long continuance of it upon so unequal a foot. A conduct wherein your Majesty plainly proved, you equally consulted the immediate interests of your people, and that balance of power in Europe, upon which the safety and commerce of this nation so much depends. At once saving this nation from all the present calamities of war, and trying to avert the future necessity of its being at last obliged to take its share and hazard in them.

"We cannot but be sensible of your Majesty's wisdom and impartiality, in forming the plan of pacification, proposed by your Majesty and the States General, to the powers engaged in war; which although not immediately accepted by the contending parties, nor answering the desired effect by preventing the opening of the campaign, has been so far adopted, that the most material and essential parts of it have been agreed to by the princes originally and principally concerned in this rupture, and recommended by them to their allies as preliminary articles to a general pacification.

"Upon this happy turn the affairs of Europe have taken, we most heartily congratulate with your Majesty; and when we consider the assurances your Majesty has been graciously pleased to give us, that these preliminaries do not essentially vary from the plan of pacification, concerted by your Majesty and the States General, and the ready approbation your Majesty and the States General have given of them; a just confidence in your wisdom, and the

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experience we have of your constant and paternal care of the true interest of your people, through the whole course of this great and intricate work, leaves us not the least room to entertain a doubt, but that the preliminary conditions of this pacification, are founded, and so approved, as will have general satisfaction; in which persuasion we are farther confirmed, by the great probability there appears to be of their being accepted and agreed to, by all the powers engaged in the war.

"The early regard your Majesty has been graciously pleased to shew to the welfare of your people, in taking the first opportunity, on this great and fortunate event, to lighten the burthen of their expences, by making a reduction of your forces, both by sea and land, is such a mark of your care in consulting their interest, and of your tender concern for their ease, that we should be as unjust to our gratitude, as to your Majesty's goodness, if we failed to testify the one, and acknowledge the other, in the strongest and most dutiful manner. And as we look upon this, added to all the other measures of your glorious and happy reign, as a proof that the estimates for the present year will be proportioned to the situation of affairs, and the purposes to which they shall be found necessary; so we beg leave to assure your Majesty, that we will cheerfully and effectually raise such supplies, as the posture of our present happy circumstances shall require, and sufficient to support the dignity of the crown, and the honour and interest of your Majesty's subjects and dominions.

"And if such motives could want any additional circumstance to excite us to fulfil our duty to your Majesty and our country, the reflection on the good effect the extraordinary supplies, granted the last year to your Majesty, must have had, in contributing to bring this long-laboured work to so happy an issue, joined to the consciousness of the influence your Majesty's counsels must ever have in the affairs of Europe, whilst a loyal Parliament shews itself determined to support the resolutions of a wise and cautious prince, cannot fail to operate with their due weight, in making us persevere in our endeavours to give a lustre to your Majesty's reign abroad, equal, if possible, to the happiness we enjoy from it at home."

The King's Answer.] To this Address his Majesty gave the following Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address. I am very well pleased, that my endeavours to restore the public tranquillity have met with your approbation; and you may be assured, my future care shall be employed, to the utmost of my power, to render the peace of Europe perfect and lasting, and to make you a flourishing and happy people."

Petition relating to an Undue Election for Yorkshire.] Jan. 16. A Petition of sir Rowland Winn, bart. was presented to the House and read, complaining of an undue election and return for the county of York*, which was ordered to be heard at the bar of the House on the 24th of February.

Resolution relating to Controverted Elections.] After debate, the Commons resolved: "That in all cases of controverted Elections for counties in England and Wales, to be heard at the bar of this House, or before the Committee of Privileges and Elections, the Petitioners do, by themselves, or by their agents, within a convenient time, to be appointed either by the House, or the Committee of Privileges and Elections, as the matter to be heard shall be before the House, or the said Committee, deliver to the sitting members, or their agents, lists of the persons intended by the Petitioners to be objected to, who voted for the sitting members; giving, in the said Lists, the several heads of objection; and distinguishing the same against the names of the voters excepted to; and that the sitting members do, by themselves, or by their agents, within the same time, deliver the like lists, on their part, to the Petitioners, or their agents."

* "Of all the numerous petitions in matters of election for members, that had been left undetermined last session of parliament, none engaged the public attention so much, as that of sir Rowland Winn, against sir Miles Stapleton, for the county of York; and of several freeholders of the county of Norfolk, in behalf of William Coke, esq. and William Morden, esq. against sir Edmund Bacon, bart. and William Wodehouse, esq. Both those petitions were thought to be supported by the interest of the minister, but if they were, it is certain it did them no service. The Yorkshire petition was voted to be heard at the bar of the House on the 24th of February, and from the number of the voters, and the evidences concerned, it was thought it could not be discussed in less than two sessions." Tindal.

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Ordered, That the Lists, with respect to the controverted Election for the county of York, now depending before this House, be delivered by this day three weeks.

Debate on a Petition complaining of an undue Election for Norfolk.] Jan. 19. A Petition of the gentlemen, clergy, and other freeholders of the county of Norfolk, whose names were thereunto subscribed, in behalf of themselves and a great number more of the freeholders of the said County, complaining of an undue Election and return for the said County, was presented to the House and read; and a motion being made for hearing the matter of the said Petition at the bar of the House on the 26th of February,

Sir *John Hynde Cotton* stood up and said:

Sir; I am surprised to hear such a motion made, considering the House, but three days since, appointed the Yorkshire Petition to be heard at the bar of this House on the 24th of next month, which is but two days before the day now moved for hearing the Norfolk Petition. This looks as if the honourable gentleman imagined, that we could go through the Yorkshire Petition in two days; whereas, in my opinion, if we examine into it as we ought, and as I hope we will, it will take us up two years, or at least the usual time of two sessions. I confess, Sir, I have not the honour to be let into the secrets of any of the Yorkshire Petitioners, but I believe the honourable gentleman, who made the motion, is thoroughly acquainted with their real and most hidden designs; therefore, from his making such a motion as he has been just now pleased to make you, I must conclude, that the Yorkshire Petitioners are resolved to drop their Petition, in case they should find themselves unable to carry some very remarkable question the first or second day. If this be really the case, the honourable gentleman was much in the right to make you such a motion as he has done, with regard to the Norfolk Election; but while we are members of this House, I think, we ought upon no occasion to be directed, in our way of voting, by the private opinion or secret knowledge of other men; and therefore if the honourable gentleman knows of any such secret with regard to the Yorkshire Petition, he will stand up again and acquaint the House with it, that we may have the same reason for agreeing to his motion, which he had for making it.

Mr. *Pulteney* stood up next and said:

Sir; I am very sorry to find so many Petitions complaining of undue elections and returns for counties; for the expence of controverting such elections is so great, that it is impossible any gentleman can bear to pay the whole out of his private fortune. As the case stands at present, whenever the election for a county comes to be controverted, the expence must necessarily be raised by a general contribution among all the freeholders of the county; and it will not signify much to ease the landed gentlemen of a shilling in the pound land-tax, if by the controverting of elections they shall be obliged, once in every parliament, to tax themselves, perhaps in ten times that sum, for supporting the rights of their country.—Injustice may, it is true, be sometimes done by the returning officers for counties, as well as by the returning officers for boroughs. But as there are such a great number of voters for every county, as almost every freeholder's right of voting must be examined into, before the injustice of the returning officer can be detected, and as the naming of that returning officer depends entirely upon the ministers of the crown, the election for all the counties in England is certainly very precarious. And when any injustice is done, the discovering of it is so troublesome and expensive, that no private man can well undertake it: In such circumstances, it will always be easy for the ministers of the crown to appoint who shall be the knights of any shire, whenever they have a mind; for if the returning officer makes an undue return according to their orders, it is almost impossible to discover the injustice done by him, so as to subject him to the punishment inflicted by law; and if the returning officer should happen to disobey their orders, it is but making their candidates petition, by which the gentlemen rightfully chosen, and duly returned, will be put to such an expence in defending their right, that no man will thereafter choose to stand for any county in opposition to the court-interest. This injustice in the returning officers, as well as this expence to the gentlemen chosen or petitioning, might, in my opinion, be easily prevented by a few small amendments to the laws now in being for regulating elections; for if the oath to be taken by freeholders, on occasion of their coming to vote at any election, were made a little more full and explicit, no man would dare to take it falsely, because it would be easy

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to convict him of perjury; and those, against whom he voted, would always be ready to be at the trouble and expence of the prosecution; in which case the taking of the oath might be made final and conclusive as to the person's right of voting, so that the right of any freeholder to his vote at an election would never come to be controverted at the bar of this House; and then it would be easy to detect the returning officers, if they committed any injustice, and the controverting of elections would not be near so tedious, troublesome, or expensive as it is at present.—As the case now stands, Sir, the expence of controverting a county election is most grievous and most terrible; and as the county of Norfolk is one of the largest and most populous counties in England, the expence of controverting the election for that county must be much greater than most others; but if you appoint the petition from that county to be heard in so few days, after the day on which you have appointed the Yorkshire petition to be heard, you would greatly enhance even that greater expence; because both the sitting member and the petitioners for Norfolk, must have their lawyers, agents, witnesses, and all the other implements of a controverted election, attending in town, and living at their expence, during the whole time of the controversy about the Yorkshire petition. This, I say, Sir, must be the case, at least of the sitting member, (sir Edmund Bacon) because I am pretty well convinced he is not in any concert, nor knows any of the secrets of the petitioners for Yorkshire; and the laying him under such an extraordinary expence, or indeed under any expence, is the more unnecessary, because the only gentleman, whose right seems to be controverted, is now dead, (Mr. Wodehouse) by which means the petitioners and their friends might, if they pleased, have an opportunity of trying their interest in the county by a new election, without putting themselves to the trouble or charge of controverting the former; but it seems the petitioners know that the expence of controverting the former election, great as it must be, will be less to them than the expence of a new election; which, by the by, Sir, seems to me to be a demonstration that their natural interest in the county is not much to be depended on.—But to this, Sir, I must add, that I have been informed, and really believe, that the petitioners could not make near so good a show upon a new election, as they did upon the former; for every one knows that on such occasions many promises are made by those, who do not depend upon their natural interest, but upon the unnatural and acquired interest they may have by means of the many posts and preferments they have at their disposal: And I have heard, that many promises were made upon the last election for the county of Norfolk, which have not been performed; from whence it is presumed, that the persons to whom those promises were made, and who were thereby induced to vote contrary to their inclinations, will upon a new election vote according to conscience. This, Sir, I am afraid, is the true reason for renewing the petition from that county, notwithstanding its being certain that the hearing of these petitions will cost them more than a new election can naturally cost them; notwithstanding its being certain, that a new election would bring their candidates sooner to their having seats in this House, than they can be by the hearing of the petition; and I must say, that the motion now made to us seems calculated for nothing, but that of laying the sitting member and his friends under a necessity of yielding to the petitioners, rather than be at the expence of trying the merits of the last election at the bar of this House.

To this it was answered by Mr. Winnington, sir William Yonge and other members,

That it was impossible to foretel how long the hearing of the Yorkshire Petition would last; but they could not imagine it would last near so long as the honourable gentleman seemed to intimate; for as the controverted votes on both sides would be very much reduced, and fully ascertained, by the lists that were to be mutually delivered, they could not think that dispute would take up many days, much less several weeks: that they would readily join in any measures for preventing the injustice of returning officers, as well as for making the controverting of county elections short and easy; but the controverted elections then depending could not be regulated by any such measures: and as many of the freeholders of Norfolk had complained of injustice done them at the last elections, it was a duty incumbent upon them, as members of that House, to hear their complaints, and give the complainants such redress as they should find them intitled to: that this they were

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obliged to do with all possible dispatch; and if the hearing of the Yorkshire Petition should last two or three days, which might probably be the case, it would be doing injustice to the people of Norfolk to put off the hearing of their complaints for two or three weeks: that they knew no more of the secrets of the Petitioners for Yorkshire, than any other gentleman of that House, so that their moving for having the Norfolk Petition heard, so soon after the day appointed for hearing the Yorkshire Petition, could proceed from nothing but their great desire to do justice to the Norfolk Petitioners, and the sitting member, with all possible dispatch: that if the petitioners, their lawyers, agents, and witnesses should be obliged to attend in a few days before their affair could be brought on, it was an inconvenience which could not be avoided; it was an inconvenience which people had always been, and must always be subject to, in all courts, and in all sorts of causes; for unless people were subjected to such an inconvenience, every court of judicature in the kingdom would often be put to a full stop, which would make it impossible to administer justice to all those who might be obliged to sue to such courts for justice; but whatever inconvenience there was in this respect, it lay heavier in the present case upon the Petitioners than it could do upon the sitting member; because the Petitioners would be obliged to attend in town, from the day appointed for hearing their petition, which they were not otherwise obliged to do; whereas the sitting member was otherwise obliged to be in town, in order to attend the service of the House: that they knew of no promises made upon the former election, nor any disappointments people had since met with; but believed that such reports were without foundation: that a new election might perhaps be less expensive than to try the merits of the last election; and likewise gentlemen might perhaps come sooner to their seats in that House by a new election, than by having their right upon the former election determined; but if any gentleman had a right to a seat in that House upon the former election, it was not reasonable to expect that he should give up that right, which he must do by submitting to a new election: that besides, if injustice be done to him as well as the county upon the former election, it was a duty he owed both to himself and his county, to prosecute the authors of that injustice in such manner as the laws of his country direct; and as that could not be done, but by bringing the merits of the former election to be tried at the bar of that House, they thought that the Petitioners were in the right to insist upon it: that this was certainly the duty of the Petitioners, and it was their duty, as members of that House, to hear and determine the affair as soon as possible, by agreeing to the motion.

Hereupon the motion was agreed to without a division; and the Lists of controverted voters were ordered to be mutually delivered by that day month.

Debate on a Petition complaining of an undue Election for Coventry.] The same day, Mr. Walter Plumer presented to the House a Petition of John Neale, esq. complaining of an undue election and return for the city of Coventry; and the same being read,

Mr. *Plumer* stood up again and said, That though by the forms of proceeding in that House, it was necessary for the Petitioner to present a Petition that session, in the very same words with the Petition presented by him upon the same subject the preceding session, yet he had now given him orders to acquaint the House, that in order to save trouble to the House, and not to take up their time any longer than was absolutely necessary, he was willing to pass from every complaint in his Petition mentioned, except so far as related to the qualification of John Bird, esq. one of the sitting members for the said city; which was the only complaint he intended to insist on at the hearing of the Petition: and as the determining of that point could not take up above half an hour of their time, he would therefore move, That the Petition be heard at the bar of the House:" but upon the question's being put, it passed in the negative, and the Petition was referred to the committee of privileges and elections.

Debate on a Petition complaining of an undue Election for Hampshire.] Jan. 21. A Petition of Anthony Chute, esq. complaining of an undue election and return for the county of Southampton, was presented to the House and read; and it was ordered, That the matter of the said Petition be heard at the bar of the House, on the 9th of March; after which it was moved to order, That the Lists, with respect to the said controverted election, be

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delivered by that day five weeks: hereupon,

Mr. *Lisle*, one of the sitting members, stood up and said, That he would willingly submit to any order the House should make upon that occasion, and would be ready to deliver his Lists by any day the House should prefix; but as the design of delivering such lists was to shorten the dispute, and to prevent taking up their time with inquiries into objections against voters, which were either false or frivolous, the longer the time was which was to be prefixed for delivering such lists, both the petitioner and he would be more enabled to abridge their lists; and therefore, in order to give the House as little trouble as possible, which he was very much inclined to, he hoped the House would give him and the petitioner as much time as possible for making up and delivering their lists: that with respect to the objections against the voters of either side, they were obliged to depend upon the information of others; and in order to prevent their being excluded from objecting against any person, who was really a bad voter upon the other side of the question, they were obliged to put every man's name in their lists, against whom they could hear of any sort of objection; but that if he had time, he would, by himself and his agents, inquire particularly into every objection; and would put no man's name in his list, if upon such inquiry he should find that the objection was not sufficiently supported by reason and evidence, by which means he might probably very much abridge the list he was to deliver; and he did not doubt of the petitioners doing the same: that as there were already petitions from Yorkshire, Norfolk and Flintshire, appointed to be heard before the day appointed for hearing of the petition against him, it could not be presumed, that the hearing of the petition against him would come on upon the very day the House had appointed for hearing it: that therefore he thought it would be better for the House to suspend making any order, for delivering lists of bad voters for the county of Southampton, till after the determination of the Yorkshire election at least; for as the petition for Norfolk, and that for the county of Flint, were both to be heard before the petition for Southampton could come on, there could be no inconvenience in delaying to make any order for delivering lists with respect to the last: because after the determination of the Yorkshire election, the House might order the lists for Southampton to be delivered by that day se'nnight; and it was impossible the Norfolk and Flint elections could both be determined in a week's time. For this reason, he hoped the honourable gentleman would, for the convenience of the petitioner, as well as for his convenience, and also for the sake of saving the time of that House, wave the motion he had made; and that the House would suspend making any order for delivering the lists for the county of Southampton, till after the determination of the Yorkshire election.

To this it was answered, That the usual method was for the House to appoint a day for delivering lists of all county elections, at the same time they appointed a day for hearing the petition: that the three other county elections might for some reason or other be put off, or perhaps entirely dropt, for which reason it was necessary for those concerned in the Southampton election, to be fully prepared and ready for the hearing, against the day the House had appointed, which they could not be, unless the lists were delivered against the day then moved for; and that, as the sitting member, as well as the petioner, had already had near a whole year to inquire into the qualifications of voters and the objections that could be made against any of them, it was to be presumed that their lists were then as much abridged as they could possibly be.

Then the question being put for delivering the lists by that day five weeks, it was carried in the affirmative.

Debate on a Petition complaining of an undue Election for Southwark.] Jan. 26. Mr. Eversfield presented to the House a Petition of Richard Sheppard, esq. complaining of an undue election, and return for the borough of Southwark, which was accordingly read; and a motion being made, and seconded, That the matter of the said petition be heard at the bar of the House;

Mr. *Winnington* stood up and said, That although the honourable gentleman, who presented the Petition, had moved to have it heard at the bar of the House; and although that motion had been seconded, and very much pressed by the honourable gentleman, who was one of the sitting members for Southwark, and against whom the Petition seemed to be chiefly aimed; yet he hoped gentlemen would have some regard to the honourable gen-

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tleman in the chair, to whom every election heard at the bar was a very great fatigue. That besides, they ought to consider their own time, and how much of it would be taken up in hearing the Petitions already appointed to be heard at the bar, insomuch, that he was afraid it would be impossible for them to go through the public business, which could not be put off till another session without doing a very great prejudice to the nation in general: that as there was a vast number of voters in the borough of Southwark, there would of course be a very great number of witnesses to be examined; and consequently a great many points of law would probably arise, which must be argued by counsel, and many of them might perhaps afterwards be argued for a long time in the House; so that upon the whole, he did not believe the House could go through that election in two or three weeks, even though they should adjourn all other business, and sit upon it 'de die in diem.' For this reason he hoped, that not only out of regard to their Speaker, but out of regard to the public, and to the business of the nation in general, they would allow that election to go to their committee, where it might be heard without interrupting the public business, without fatiguing their Speaker, and without doing any prejudice either to their petitioner, or to the sitting member. Hereupon

Sir *John Hynde Cotton* stood up and said:

Sir; Upon the present occasion, I cannot omit taking notice of what happened when the Yorkshire petition was presented. In the county of York there are certainly five or six times as many voters as there are in the borough of Southwark, and therefore, if the honourable gentleman be of opinion, that the election of the borough of Southwark will take up two or three weeks of our time, he must have been of opinion, that the election for Yorkshire would take up at least three or four months; yet when that petition was presented, I remember the same hon. gentleman appeared very fond of having it heard at the bar of this House; and I should be glad to know from whence proceeds that tender regard, which he is pleased to testify in the present case, for the hon. gent. in the chair, since he did not seem to shew the least regard for him in the former?

Mr. *Heathcote* spoke next:

Sir; By an agreement between me and the hon. gentleman who presented the Petition, he promised to move for its being heard at the bar of the House: he has accordingly done so, and I have seconded that motion; after which I am not a little surprised to hear any gentleman attempt to have it sent to the Committee; for when the sitting member, as well as the petitioner, insists upon having the Petition heard at the bar, I believe there is no example of such a Petition's being referred to the Committee. I have as great a regard for the hon. gentleman in the Chair as any member in this House can pretend to; but I know he will grudge no trouble in doing service to the public, or justice to any member who thinks himself injured; and in the present case I insist with the more freedom upon having the Petition heard at the bar, because I know the contested votes are but very few; so that the hearing can last but a very few days: and I have some reason to expect, that the Petition will be given up even before those votes which are contested are all examined into.—But, Sir, I have another reason for insisting upon its being heard at the bar of this House: the Petition which has been publicly read here, contains several grievous and heinous allegations against me, therefore I think I have a sort of right to have the truth of these allegations examined into, in the same place in which they have been published; and I insist upon it, because, I have very good reason to believe, that when this is done the Petition will appear to be as vexatious as any ever presented to this House. And my reason for believing so is founded not only upon a consciousness of my own innocence, but upon the candour and sincerity of the petitioner's own scrutineers; for during the whole time of the election, the returning officer for that borough acted so equally and fairly, that, after the scrutiny was over, even the scrutineers for the petitioners returned him thanks for his justice and impartiality.—For these reasons, I hope, Sir, the House will not only order this Petition to be heard at the bar, but will appoint a short day, considering the place is just in our neighbourhood, so that no pretence can be made, that any of the parties or witnesses are at any great distance.

Mr. *Walter Plumer* spoke next:

Sir; As the elections, which are appointed to be heard at the bar, are gene-

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rally sooner determined than those which are referred to the Committee; and as it is always very much the interest of the petitioner, to have the matter of his Petition soon heard, if he has any confidence in it; therefore I have never observed the hearing of any petition at bar refused, when it was desired and insisted on by the sitting member: but there is something very extraordinary in the present case, for not only the sitting member desires and insists upon the Petition's being appointed to be heard at the bar, but there seems to be a design in the petitioner not to have his Petition heard at all, or at least not this session; for otherwise he would certainly have presented it among the first, as he might and ought to have done, whereas he has delayed presenting it almost as long as he could; which to me is really a strong presumption, that he is sensible of his Petition's being such as the sitting member has represented it to be; and if it be so, there can be no stronger reason assigned, not only for its being heard at the bar, but for its being heard as soon as possible.

The question was then put for hearing the Petition at the bar of the House; which, upon a division, was carried in the affirmative by 145 to 143. After which the question was put for hearing it at the bar on the 10th of February, which was carried in the affirmative without a division.

This affair being over:

Mr. *Walter Plumer* stood up and said,

That, although he had before acquainted the House, that Mr. Neale, petitioner for Coventry, was willing to pass from every complaint in his petition, except so far as related to the qualification of John Bird, esq. one of the sitting members; yet that something to that purpose might appear upon their votes, and to insure the sitting member that no other complaint would be insisted on against him, he would move, That since John Neale, esq. who had exhibited a petition to that House, complaining of an undue election and return for the city of Coventry, desired to withdraw the complaints in the said petition, except as to what relates to the qualification of John Bird, esq. one of the sitting members for the said city, therefore it might be ordered, That the said Petition be dismissed except as aforesaid: This was accordingly agreed to. Then Mr. Plumer added, That as the examining the matter of that petition, as it then stood, could not require any long preparation, or the bringing up many witnesses; and as it could not take up so much as one evening to determine that complaint in the Committee; therefore he would move for an instruction to the Committee to hear it on that day three weeks. To this it was objected, as it had been to the former motion in this affair, That it was contrary to the common course, and that there was nothing in that affair so extraordinary as to induce them to hear it out of its due course. For this reason, upon the question's being put, it passed in the negative.

Debate on the Navy Estimates for 1736.] The same day, the House being in a Committee of the whole House on the Supply, sir Charles Wager moved, "That 15,000 men be employed in the Sea Service for the year 1736."—Hereupon

Mr. *Walter Plumer* stood up and spoke as follows:

Sir; I do not rise up to oppose the motion, because, as we have the happiness to live in an island, I have always been of opinion, that we ought chiefly to depend upon our naval force; and for this reason I shall never be against our keeping up a pretty large number of seamen, even in times of the most profound peace and tranquillity. We have, it is true, for some years past, followed a quite contrary maxim; we have kept up such a great number of land forces, that it has not been in our power to keep up such a number of seamen in time of peace as we ought to have done; but what has been the consequence of this maxim? It has forced a great number of our native and gallant seamen into the service of foreign powers, and from thence arose the difficulty we found ourselves in upon a late sudden emergency, with respect to the fitting out speedily a powerful squadron: This difficulty the whole nation was lately sensible of; and to this difficulty we shall always be exposed, unless we disband a great number of the land soldiers, and bestow that money upon keeping up a large body of seamen.

But, Sir, I rise up to put you in mind, that you ought to proportion all your expences for the current service of the year, not only to the happy situation of your affairs abroad, but to the unhappy situation of your affairs at home. Whoever considers this, will never give his consent to the

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loading the present generation or their posterity with new taxes, and much less to the laying of violent hands on the Sinking Fund, when both may be prevented by our insisting upon the payment of those sums, to which we are justly intitled from foreign powers; and therefore, Sir, when we go into a Committee of ways and means, in order to provide for the 15,000 seamen now to be voted, I hope you will take under your consideration, what I shall now presume to mention to you.

As the keeping up of a great number of land forces in this island is quite unnecessary, and even inconsistent with the nature of our happy constitution, and the freedom of our government; therefore, when any war is like to break out in which we may probably have a concern, we are always obliged to take foreign troops into our pay: Whether we have always been in the right when we did so, is what I shall not now controvert; but I have always observed, that no foreign prince would lend us any of his troops, without our engaging, not only to pay them, but to grant him a subsidy, perhaps greater than the pay of those troops, upon their own footing, would have amounted to; and that even in cases where the prince stood obliged, perhaps by former treaties, to assist us with troops at his own expence, and often in cases where his own preservation was more immediately concerned in the event of the war than ours.

It is true, Sir, we are always obliged upon such occasions, to have recourse to the princes of the North, who by reason of their poverty plead an inability to send us, or to have ready to be sent, the stipulated succours, unless we, by a new contract, agree to pay them a subsidy; which has some shew of reason, or at least of necessity, when they raise any new troops for our service; but I never could comprehend either the reason or the necessity for such a pretence, when they make no real addition to the land-army they before kept up, nor put themselves to one farthing additional expence on account of their subsidy from us. This I know has sometimes been the case for years together, during all which time we have been so generous as to pay their subsidy regularly, for enabling them to defray an expence they never were at: at least, in the public accounts delivered to this House, those subsidies have been yearly stated as fully and regularly paid in pursuance of the treaties we had before approved of; though indeed, an accident happened not long ago, which gave room to think, that all those subsidies had not been fully and regularly paid to the princes so intitled to them.

Now, Sir, if we narrowly consider our circumstances, I believe we shall find that we are as poor, and in as great difficulties, as the poorest prince in the North; and as we have lately sent a very powerful squadron to the assistance of a very rich prince, I make no doubt but that our wise and frugal ministers let that prince know, before they sent out the squadron, that with respect to him we are a northern power, and as needy as any power he could apply to; and that therefore they have obliged him to pay us a very large subsidy, for the powerful squadron we sent to his assistance.

I am very sure our ministers had much more reason to insist upon such a subsidy, than the ministers of any northern power ever had to insist upon a subsidy from us; for with respect to the breach between Portugal and Spain, it was, in my opinion, at least, as great a question which of them were acting upon the offensive, as it was with respect to the breach between Spain and the Emperor; therefore, we were not by any former treaty obliged to send him any assistance: then as to the expence, it is certain we have put ourselves to a very considerable additional expence on account of the assistance we have sent to him; and as to the benefit he has reaped from that assistance, it appears plain to me that the tranquillity he has enjoyed, and does still enjoy, has been, and is still owing to nothing but the powerful squadron we have sent to his assistance; which, I am positive, is much more than can be said of any assistance we have ever got from any of those, to whom we have paid such large and such generous subsidies: to this I must add, that it cannot be said that the preservation of this nation was immediately concerned in the event of the war between Portugal and Spain; which has generally been the case with respect to those northern princes to whom we have hitherto distributed our subsidies.

From these reasons, I am induced, Sir, to think that our ministers have certainly stipulated a large subsidy from Portugal; and I have taken notice of it upon this occasion, only to put gentlemen in mind to call for an account of this subsidy, at a proper opportunity; and to appropriate it to the maintaining the 15,000 seamen now

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to be voted; in order to prevent our being obliged to load the present or the future generation with additional taxes, or to lay violent hands upon that fund, which ought always to be held sacred to the payment of our public debts; by which only we can free our poor labourers and manufacturers from those taxes, which at present render the necessaries of life so much dearer in this country than they are in any other.

Then the question being put on sir Charles Wager's motion, the same was agreed to without opposition.

Debate on Mr. Pulteney's Motion for referring the Navy Estimates to a Select Committee.] Jan. 28. A motion was made by Mr. Pulteney, "That the ordinary Estimate of the Navy for the year 1736, be referred to a Select Committee* Upon which ensued a debate, in which Mr. Pulteney's motion was supported by Mr. Plumer, Mr. Sandys, sir John Barnard, and Mr. Gibbon, as follows:

Sir: Among the many ancient methods of proceeding in parliament, dropped by the complaisance of latter times, I think no one more necessary to be re-assumed, than that of appointing Committees to inspect the Estimates that are laid before us, for enforcing the demands made by the crown. It appears from the ancient Journals of this House, that when a demand of money is made for answering the expence of any measure necessary for the honour or interest of the nation, an Estimate of that expence was laid before this House, and a Committee appointed to examine that Estimate, to see whether every article was fairly stated. Our parliaments in those days were not so complaisant as to to take any such Estimate upon the credit of the ministers: they thought it incumbent upon them to see, with their own eyes, the necessity of every article of the expence proposed, before they would open their purse. This method of proceeding is, in my opinion, proper upon all occasions, but at present, with respect to the navy, it is become absolutely necessary, because the yearly expence of the navy now vastly exceeds what it was in former times; and there is almost every year some new article brought into that estimate which was never before heard of. I do not deny, Sir, but that it may be now necessary for us to keep up a much larger fleet, and to keep a much greater number of Seamen in our pay than we formerly used to do; but the greater our expence is that way, the more room there is for defrauding the public; and therefore we ought to be the more careful to prevent loading the public with any unnecessary article of expence. These estimates, it is true, are laid yearly upon our table; but I believe no gentleman, even of those who are best acquainted with the affairs of our navy, will pretend to say, that he can from a bare perusal at our table determine, whether the articles of expence mentioned in such estimates are all necessary, or that no one of them has been overcharged? And I do not see how any gentleman can answer to his constitu-

* "Before we give an account of this debate, it may not be improper to let the reader know why a Select Committee is preferable and of most service on any occasion. In all parliamentary proceedings, it has been generally observed, that a Committee appointed in the usual manner, and at which every one that comes has a vote, never can enquire effectually into any matter to them recommended, whereas a Select Committee fairly chosen by ballot, have generally been observed to go to the bottom of the affair recommended to them, and have seldom or ever failed of discovering great frauds and signal abuses: for this reason, when either House of Parliament has a mind to enquire thoroughly into any affair, they always appoint a Select Committee to be chosen by ballot; and if a method of balloting were established by which it would be impossible to over-awe or direct any member in his way of balloting, the appointing of such committees might be of great service to the nation, because it would be impossible for any public cheat, or great criminal, to prevent a strict enquiry into his conduct, and by a strict enquiry frauds or crimes might be made so clearly appear, that it would be impossible to screen him from the punishment he deserved. But by the method of balloting we have at present, it is so easy to over-awe and direct members in their way of balloting, that nothing extraordinary is to be expected even from a ballot; for as the method is, for every member to put into a glass a written List of the names of those gentlemen he designs to be of the Select Committee, it is easy to deliver a copy in writing of a concerted List, to each member under any sort of influence, with a private mark either in the writing or in the paper, by which it may be discovered whether or no he puts that List into the glass, which was delivered to him by those who have a power over him. This every man knows may be done, and this will always prevent every one of those who are under any sort of influence, from putting any List into the glass but that which was delivered to him by his master." Gentleman's Magazine, September, 1736.

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ents the loading of them with an expence a great part of what, for which he knows, may be altogether unnecessary.

We ought, Sir, likewise to take care that so much money may be granted as shall be necessary for our yearly expence; for by estimates and grants of money which are afterwards found to be deficient, especially with respect to the navy, we deceive our constituents; we do injustice to the particular men employed in the navy, who are generally obliged to sell their claims at a discount; we enhance the price of all materials, necessary for the support of the navy; and we discourage our seamen from entering into the service of their country: this we have the more reason to take notice of at present, because of the great debt that has been lately contracted on account of our navy; a most extraordinary debt, considering the short time in which it has been contracted, and that in a time of profound peace. And the method, which we were last year obliged to take for paying off a part of it, ought to make us extremely cautious of being again led into the same error, by any short estimates that may be laid before us; for we may remember, that during the time we were running ourselves insensibly into that considerable debt, there were estimates yearly laid before the parliament, which it was pretended, contained an estimate of the whole expence necessary for the service of that year. The nation may be accidentally drawn into an additional expence not to be foreseen; but that additional expence ought always to be laid before the very next session of parliament, and ought to be provided for within the very next year.

Another consideration, Sir, which ought to make us look the more narrowly into all public accounts, is the great debt the nation groans under. A gentleman of an opulent fortune, may perhaps pass slightly over his steward's accounts: he may even allow his servants to heap up expences upon him, and to charge him with new and extraordinary articles, without inquiring whether or no there was necessity for them; but a gentleman whose estate is deeply mortgaged, and cannot even support the yearly expence of his family, without laying hands upon that part of his estate which stands appropriated for paying off old mortgages, ought to enquire strictly into the management of his stewards, and ought never to pass any account, before he is thoroughly convinced of the necessity of it. This, Sir, is our melancholy case at present; we cannot provide, even for the current service of the year, without laying hands upon that revenue, which was long since appropriated to the payment of old debts; and therefore we ought not to approve of any estimate, till we are thoroughly convinced of the necessity of every article; and this can be done only by referring them to select committees.

Whether any unnecessary articles of expence have been lately brought upon the nation, is what I shall not at present pretend to determine; but that several new and extraordinary articles have been of late years brought into almost every estimate usually laid before us, is what must be known to most gentlemen in this House; and no one of them has ever yet been inquired into, in that manner which is necessary upon such occasions. It is likewise well known, that we have had of late years several new offices erected, new posts established, and new salaries granted, all of which are a charge upon the public revenue; and whatever may be the case as to these new offices, I believe, upon a proper inquiry, it would be found that we have many old offices or officers that might be spared, and many salaries which might be altogether suppressed or very much diminished. If the nation were engaged in war, or if we were in any danger of being engaged in war, it would not perhaps be proper to enter upon such inquiries; but by the great promotion lately made of general officers, I am convinced the peace of Europe is now fully re-established; for I am persuaded his Majesty would not have made so many brave gentlemen useless as colonels, by promoting them to be generals, if there had been the least ground to suspect that we should soon be engaged in war: it is true, few of those gentlemen lately promoted will, I believe, be brought upon the establishment as generals, and therefore it is to be hoped that promotion will not increase the public expence; but we are present in a state of perfect tranquillity, therefore it is the most proper time for us to inquire into all our public accounts; and as our navy ought always to be the first concern of the parliaments of Great Britain, I shall beg leave, Sir, to move, "That a Select Committee be appointed to inquire into the Estimate of the Navy for the current year."

To this it was answered by sir Robert Walpole, Mr. Horatio Walpole, Mr. Wm-

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nington, sir William Yonge, and sir Charles Wager, as follows:

Sir; I shall not take up your time with a dispute about the ancient usage in Parliament, but if there ever was any such method as that mentioned by the honourable gentleman who has made you this motion, it is certain that it has not been followed for many years; and as no custom once established, is ever laid aside, without some good reasons for so doing, we are to presume that if there ever was any such method established, it was found to be inconvenient or unnecessary, otherwise it had never been discontinued for so many years. This of itself is a sufficient reason for our not re-assuming that custom, unless it could be shewn that the public has suffered by its being laid aside; but there is this farther reason, that our reviving such a custom on the present occasion, would make people suspect that some very great frauds have been lately committed in the management of the public treasure; and I cannot think it consistent with that duty we owe to his Majesty, to give the people any such alarm, when there is not the least foundation for such suspicion.

Perhaps there may have been some new articles lately brought into some of our estimates, but I do not remember any that are very considerable; and there never was one new article brought in, but what appeared, at first view, to be absolutely necessary for the public service. The honourable gentleman seems to think it impossible to determine, from a bare perusal of the estimates at our table, that the articles of expence mentioned in them are all necessary, and that no one article has been overcharged; but I cannot be of his opinion; for I never could observe any mystery either in the estimate of the navy, or in any other estimates laid before Parliament: the articles are all well known, because it never exceeds what it was in the preceding year, without some manifest reason; therefore any gentleman may sufficiently satisfy himself about every article, by a bare perusal at the table; but if upon such perusal any doubt should arise, there are always, in the Committee of Supply, many gentlemen able to give him as much information as he can with reason desire; so that there never can be a necessity for our referring any estimate to a select Committee.

The Estimates, yearly laid before Parliament, have always contained the whole charge necessary for the service of the ensuing year, so far as could be foreseen when those estimates were drawn up; but as it is impossible to foresee all the accidents that may happen in the course of a year, therefore the government may sometimes be obliged to increase the public charge, beyond what was contained in the estimate laid before the preceding session of Parliament; this is an inconvenience proceeding from the weakness of human foresight, and cannot be removed by referring any estimate to a select Committee of Parliament; for it is impossible to suppose, that any Committee can foresee every thing that may happen in the course of a year; nay, it is not to be presumed that they can foresee things as fully and clearly as those, who are immediately concerned in the administration, under whose direction the estimates are generally drawn up. And if, by future accidents, it should be found necessary to increase the public charge beyond what was at first proposed, an account of that additional charge certainly ought to be, and I believe has always hitherto been laid before Parliament, as soon as any such account could be regularly made up. This was the case with respect to the navy-debt, so that its remaining so long unsatisfied, could not be owing to the estimates or accounts not being referred to a select Committee, but to the inability the nation was under of providing for it out of the grants of any succeeding year.

I shall grant, Sir, that the load of debts this nation labours under at present is very great, but we ought to bear it with the more chearfulness, when we consider that the whole was contracted in defence of our religion and liberties; and surely no man will grudge contributing a small part of his yearly revenue, towards paying the principal and interest, when he considers, that if it had not been for that debt, he would have no property at all. But this debt, great as it is, was all contracted in pursuance of estimates yearly delivered into Parliament, no one of which was ever referred to a select Committee; and yet it cannot be alledged, that the smallest part of this debt was unnecessarily contracted, or that the public was in the least defrauded by any of those estimates. I shall likewise grant that we ought to look narrowly into all estimates laid before us, but when those estimates are plain, this may be done without sending them to a Select Committee; and let a private gentleman's estate be never so much mortgaged, I shall have no opinion of his prudence, if he sate half

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a year poring over an account, which a school-boy might fully examine in half an hour.

As for new offices, officers, or salaries, I have not heard of any lately erected, and if any of them should ever appear in the estimates delivered into this House, it will then be time enough to inquire particularly into them. As for the late promotion of general officers, I hope no gentleman will find fault with it; both because there was no additional expence thereby brought upon the nation, and because it was absolutely necessary to give our officers that rank, which their services have intitled them to, in order that they may be upon an equal footing with their cotemporaries in the service of those foreign powers with whom we are in alliance; otherwise, in case we should find it necessary to join our forces with any foreign power, an officer in the British service, by not being promoted soon enough to the rank he deserved, might find himself under a necessity of submitting to be commanded by a foreign officer of not near so long standing in the army; for every one knows, that in detachments from confederate armies, the officers generally roll, first according to their ranks in the army, and next according to the dates of their commissions.

To conclude, Sir, if there were any very new and extraordinary articles in the estimate of the navy now under consideration, if gentlemen could shew any doubtful articles in it, which could not be immediately set in a clear light, there might be some reason for agreeing to the motion now made to us; but as there is no charge in it but what is usual, I therefore cannot think there is any occasion for our referring it to a Select Committee.

To this it was replied by the same Members who were for the Motion as follows:

Sir: The honourable gentlemen are much in the right not to dispute whether there was ever such a custom, as that mentioned by the honourable gentleman who made you the motion, because it would be immediately determined by referring to the Journals of the House; it must therefore stand admitted, that there was once such a method of proceeding, but how it came to be laid aside is a question of a very different nature. I shall agree, that a custom once established is never laid aside without some reason; but that reason is often very far from being a good one: in the present case, it is to be presumed, that this custom of referring public accounts and estimates to select committees, was found to be very troublesome to ministers; and this was the true reason for its being laid aside; but this was so far from being a good reason for laying it aside, that it will always be a strong reason for re-assuming that laudable custom.

We are told, Sir, that the reviving of this custom will make people suspect, that some very great frauds have been lately committed in the management of the public treasure: but I am of opinion, that the nation will be much more alarmed, at least I am sure they'll have much greater reason to be alarmed, if they see their representatives in parliament every year receiving estimates for most prodigious sums of money, and granting all the sums desired by such estimates without ever making the least inquiry into any one of them; for in private life it is most natural to suppose that a man will be cheated by his servants, if he should always pass such accounts as they are pleased to bring in without ever examining into any one; and it is not to be supposed that the servants of the public are honester, or less inclined to pilfer, than the servants of private men.

The duty we owe to his Majesty, ought never, Sir, to be brought into any debate in this House; but it was never more improperly brought in, than it is now by the gentlemen on the other side of the question; for as this House is the grand inquest of the nation, we ought to inquire for the King as well as for the people: we are in some manner his Majesty's trustees, and ought to take care, that neither he nor his people be cheated by the servants or officers he employs; and therefore it is inconsistent with that duty we owe to his Majesty to pass any accounts, or agree to any estimates presented to us by his officers or servants, till we have strictly examined the truth of every article.

The new articles lately introduced into our Estimates, may not perhaps be very considerable, but the charge upon those, and the additional charge upon all the old articles, amount yearly to a very considerable sum; and I confess I never was so clear-sighted as to see at first view, that all these additional charges were absolutely necessary for the public service. The gentlemen say, that the several articles in our estimates are all well known, and that the charge upon each is likewise known, because it never exceeds what it was in the

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present year, without some manifest reason: this, Sir, might be some satisfaction, if any strict inquiry had lately been made into any of our estimates; but as no inquiry has been made for many years, we do not know but frauds may have been introduced several years since, and continued to this very day; therefore, it can be no satisfaction to any man, who has never examined any of those articles, to find that they do not exceed the charge upon the same articles for several years past. But, Sir, I will take upon me to affirm, that most of the articles in all our estimates; especially that of the navy, are of such a nature, that it is impossible to say whether they are overcharged or not, without examining into them every year: this every man must be convinced of, who will but look into the several articles of the estimate of the navy now upon our table. Can any gentleman determine how much will be necessary for maintaining superannuated sea-officers, or for paying pensions, without inquiring yearly into the number and quality of such officers or pensions? can any gentleman determine how much will be necessary for half pay to sea officers, without enquiring every year into the number and rank of such officers? It is impossible; because by the very nature of the service, it must vary every year; and most of the other articles of the ordinary estimate of the navy will be found to be of the same nature; therefore, I am surprized to hear it said, that the charge upon any of these articles can be well known to any member of this House, or that its not exceeding the charge upon the same article in former years, can be an argument for the justness of the charge in any time to come.

I have, Sir, many questions to ask, which I think necessary for my information, in relation to every article of this estimate; but it would be ridiculous to expect the proper information from any gentleman in this House, were he never so well acquainted with the affairs of the navy, because every article of the estimate refers to a long particular account, which ought to be examined, before any other gentleman can have that satisfaction, which we ought to have as trustees both for the king and the people. It is impossible for gentlemen to discover the fraud of any article in an estimate, or to state their objections in any regular method, without examining persons, papers, and records, which cannot be done but by referring the estimate to a select committee, with proper powers for that purpose. If this be done, I shall think it worth while to ask such questions as are necessary for my information; and I shall be glad to find the suspicions I at present entertain, are without any foundation.

What was contained in the Estimates of late, yearly laid before us, or whether they contained an account of all the annual charge that could be foreseen, I cannot determine; for there is so little satisfaction to be got from perusing accounts at our table, that I never gave myself the trouble; but this I can say, that if they contained an account of all the charge then necessary, it is very extraordinary, that our foresight should run above 100,000*l.* in debt yearly upon the article of the navy only. This I cannot believe, and therefore I am afraid that these estimates were made deficient on purpose to conceal, for some time, from the nation the expence our measures had made necessary; because, as our navy is a favourable article, it was expected that the parliament would readily agree, without any inquiry, to make that deficiency good, whenever it should be thought necessary to make application for that purpose. I am likewise at a loss to determine whether there was, every year, laid before parliament an account of the deficiency of the grants for the former year with respect to our navy. But if such an account was regularly laid every year before parliament, it is with me a very strong argument for referring every account and every estimate to select committees; for the disadvantages attending our running into a long arrear are so evident, that I am sure this House would not have allowed that arrear to remain so long unsatisfied, if proper notice had been taken of the account of those arrears, which, it is said, were yearly laid upon our table. This shews that most of the gentlemen of this House expect no satisfaction from a perusal of any account at our table, and therefore never give themselves the trouble to look over them, which proves the necessity of referring all such accounts to be examined by select committees.

I am convinced, that if the ancient method of inquiring into all accounts and estimates, by select committees, had been constantly observed, the debt the nation now labours under, would never have risen to so large a sum, nor would so small a part of it have been paid off in above twenty years profound peace. The great haste made in contracting it, and the slow steps

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in paying it off, is another argument for our beginning to look a little more narrowly into our affairs, which can be done only by reviving that ancient method of proceeding, which the honourable gentleman has now moved for, with respect to the estimates of the navy for this year.

What the honourable gentlemen may mean by mysteries in accounts, I do not know; but to me every article in the estimate now before us seems a mystery, and must continue a mystery to every gentleman, who has never seen the particular account to which each article refers. Can any gentleman understand the very first article, which is upwards of 28,000*l.* per annum, without having looked into the particular account of what is paid for salaries and other charges to the lords of the admiralty, the commissioners of the navy, the secretaries, officers, clerks, and contingencies relating thereto? Or can any gentleman say, that this whole sum is absolutely necessary, without having examined whether such commissioners, secretaries, officers, and clerks, are all necessary for supporting the business of that office, and that such salaries are necessary for supporting such officers? Let us look into every other article of the estimate, and we shall find the same mystery. Therefore, instead of our not being able to shew any article that is mysterious, I must desire the gentlemen of the other side of the question to shew me any one article that is not mysterious; especially, considering that no inquiry has been made into either of the articles, I believe I may say, within the memory of any gentleman now in this House.

I hope, Sir, a negative will not be put upon this question; for it will certainly give too just an alarm to the people of this nation; they will imagine, that there must be errors, and even frauds, in the estimates and accounts delivered into parliament, when the very gentlemen who deliver them, or at least those who are principally concerned in the making them up, prevent any inquiry into the justice of them. Therefore, if gentlemen are resolved to disagree with the motion, I hope for their own sakes, and for the honour of parliament, they will put the previous question, instead of putting a negative upon the question now before us.

The question being put upon the motion, it was negatived by 256 to 155.*

* Mr. William Pitt was a teller in the minority on this occasion.

Debate on the Reduction of the Forces.] Jan. 29. A motion was made, That an humble Address be presented to his Majesty, to acquaint him with the readiness wherewith his faithful Commons had agreed to the continuance of the extraordinary expence, which he had thought necessary in the present juncture; in which resolution they had concurred with the greater chearfulness, as a grateful return to his royal goodness, in ordering so considerable a Reduction of his Forces both by sea and land, as soon as the present posture of affairs would permit; and in full confidence, that it was his royal intention, as soon as there should be a more perfect reconciliation among the several powers of Europe, to make such farther reduction of his forces, as might be consistent with the security and dignity of his Majesty's royal person and government, and with our present happy constitution; not doubting, but that from his fatherly compassion to his people, he would be graciously pleased to direct, that whatever land force should thereafter be thought necessary, should be established in such a manner, as should make the saving more sensible, and the future burthen less grievous to the nation.

This motion was supported by Mr. John Pitt, lord Polwarth, Mr. Pulteney, Mr. Gybbon, sir John Barnard, Mr. Sandys, and Mr. Walter Plumer; and was opposed by Mr. Wynnington, col. Bladen, sir William Yonge, and Mr. Conduit. But the question being at last put, it was carried in the negative without a division.

Debate on raising the Supplies within the Year.] Feb. 2. Mr. *Sandys* stood up and spoke as follows:

Sir; Every man is now, I believe, convinced that the great debt we groan under, is a most heavy clog upon all public measures, and will certainly, while it continues prevent its being in our power to act upon any occasion with that vigour we ought, either in vindication of the honour and interest of this nation, or the defence of our allies. This of itself is a most terrible misfortune, but what still adds to it is, that these our unlucky circumstances are well known to all our neighbours, which is, I believe, the principal cause of our having so little influence on the councils of other nations; and while this load continues we may expect to be insulted by them, as often as they can find the least pretence for so doing. In such circumstances

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therefore it is the most pernicious thing we can do, to run the nation any farther in debt by creating new funds, or to prevent that fund, which was long since appropriated, from being religiously applied to the extinguishing yearly a part of that debt contracted before the year 1716; for if we do so in time of peace, it will convince our neighbours that it would be impossible for us to support an expensive war, which will of course render us contemptible in the eyes of all foreign nations. And with respect to our domestic affairs, the consequences of pursuing any such measure are full as pernicious; for every new mortgage we make, becomes a sort of prop for supporting the interest payable upon the former; whereas we ought to use all possible means to reduce that interest, not only for the encouragement of trade among us, but to encrease the Sinking-Fund, which would enable us to pay off all our old debts much sooner, than it will otherwise be possible for us to do: Nay, I am almost certain, that if no new debts had been contracted since the year 1716, nor any part of the Sinking Fund converted to other uses than it was originally designed for, the interest upon all our funds would have been long since reduced to 3*l.* per cent. and a much greater part of our old debt would have been paid, by which we should have been enabled to have taken off some of those heavy taxes, under which the poor labourers and manufacturer have groaned for so many years. The loading posterity with new debts, in order to give a little ease to the present generation, may be a good temporary expedient for a minister; and may prevent the people's making too particular an inquiry into that expence, which his measures have brought upon them: But it is a most pernicious expedient both for the royal family, and for the nation in general. For when any sum of money is raised for the service of the ensuing year, by contracting a new debt, and creating a new fund for the payment of that debt, it is subjecting the nation to pay at least double that sum in the end; because in every such case, the nation is obliged to pay interest for the money raised, and the expences of collecting for many years, besides paying the principal at last; this shews the loss the nation sustains by the contracting of any such debt for the current service. By a long continuation of such measures the people may come to be so loaded with taxes, and those taxes so much engaged for the payment of former mortgages, that it may be impossible for his Majesty, or some of his successors, to vindicate the rights of the nation, without loading them with heavier taxes than they are able to bear, which may very probably raise a general disaffection against our present happy establishment; and may be of the most dangerous consequence even to the creditors themselves; for if ever we should be reduced to such circumstances, that either the nation must be ruined, or the public creditors left unpaid, it is easy to see which side of the dilemma would be chosen. The proper method to prevent our running into debt is to diminish our yearly expence; but as the number of our forces for the service of the ensuing year has already been agreed to; I cannot now propose any diminution of our expence for this year. We have already granted a great part of the supplies necessary for the service, and we are to go this day into a Committee of Ways and Means for raising those supplies. What methods may then be proposed for that purpose I do not know; but as I am of opinion, that no consideration ought to prevail with us to contract any new debt, or to prevent that fund which stands appropriated for the payment of the old, I shall take the liberty to make a motion which I hope the House will agree to. For if our usual funds cannot answer the service we have already agreed to, I think it will be better to lay some new taxes upon the luxuries of life, than to create new funds; otherwise we run the hazard of reducing our posterity to the want even of the necessaries of life, that we ourselves may live in affluence; for this reason, before we go into the Committee of Ways and Means, I shall take the liberty to move to resolve, "That this House will raise within the year the Supplies necessary for the current Service."

Mr. Sandys being seconded by sir John Barnard and Mr. Willimot, the same was opposed by sir William Yonge, Mr. Winnington, Mr. Heathcote, and sir Robert Walpole as follows:

Sir; If the question, now before us, depended solely upon the influence this nation has at present in the councils of all the powers of Europe, or upon the regard our neighbours have shewn to this nation in all their measures, a few words would be sufficient to shew, that we ought not to come to any such resolution as has been

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proposed; for it is certain that we never had a greater influence than we have at present in every court of Europe, and that influence is founded upon the strongest reason; because our neighbours all know very well, that we have now two funds sufficient for supporting any war we may be engaged in, and which we can upon any such occasion make use of, without overloading the subject, or raising discontent in the nation; and these funds are the Land-Tax and the Sinking-Fund. Though our landed gentlemen would think it hard to pay 4*s.* in the pound Land-Tax, during a time of peace, yet they would not certainly grudge that tax, if they saw the nation necessarily involved in a war; and though the Sinking-Fund is to be applied in the most religious manner to the payment of our old debts, yet, in case of a war, I believe no gentleman will say, but that it would be proper to suspend such payments (especially as none of the public creditors are desirous of having their money) and to apply that fund towards supporting the war; so that our neighbours know extremely well that we have a revenue of above two millions, besides our usual supplies, which we may raise towards supporting a war without laying any new tax upon our people.

I shall admit, Sir, that the Sinking Fund would be a gainer, by the reduction of the interest payable upon old funds, and that it would be an advantage to the nation to have the sinking fund increased; but I very much question if it would be possible to reduce the interest payable upon our old funds lower than it is at present, even though we should never hereafter contract one shilling new debt. I have indeed heard of a great many projects for that purpose; and some of them have appeared well in theory, but when they came to be examined, it has always been found that they would not do in practice, and therefore they have been laid aside: Besides, Sir, it would be an experiment of the most dangerous consequence, to reduce the interest payable upon our old funds lower than it is at present, because it would probably induce foreigners to draw their money all at once out of our funds, which would of course bring our public credit into great distress, and would drain us of all the ready specie now circulating in the nation; and if the public credit of the nation should be once brought into any great distress, most of our own people would take the alarm, which would run it so low, that the restoring of it would be impracticable.

Another consideration, Sir, of great weight with me, is, that we cannot well reduce the interest upon our public funds any lower than it is at present, without reducing at the same time the interest of money in general; and I am persuaded the reducing the interest of money in general, to a lower rate than what it is at present, would bring great difficulties upon all ranks of men in the kingdom. With respect to the public creditors the difficulties are apparent; for a third part of their yearly income has been taken from them by the reduction already made; and if a farther reduction of one per cent. should be made, they would then have but one half of that revenue, which they supposed they were to have when they first lent their money to the public.

Then with respect to the landed gentlemen, the reducing interest so low would be a great hardship, for they would be obliged to give each of their younger children at least 5 or 6,000*l.* whereas when interest is at 5 or 6 per cent. one half of that sum will enable them to live in a genteel manner; so that the reducing of interest so low would lay all our landed gentlemen under a necessity of ruining their estates, or at least of mortgaging them very deeply, to provide for their younger children. And lastly, Sir, with respect to the trading part of the nation, it is very well known, that every branch of trade in the kingdom is already so overstocked, that it is almost impossible for one half of our tradesmen to live by their business; and a farther reduction of interest would drive so many into trade, that no man could live by any trade he could engage in. Even our borrowers of money, Sir, or gentlemen who owe any money at interest, would be reduced to great difficulties; for the profit to be got by lending money, or by leaving money in any man's hand at interest, would be so small, that no man would think of employing it in that way; this would of course bring a general demand upon all those in the kingdom who owe any money at interest, and at the same time would render it impossible for them to find any money for answering that demand. From all which I think it inconsistent with the public good of the nation, and with that of every particular man, to reduce the interest payable upon our public funds lower than it is at present. Whatever may be the conse-

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quence with respect to ministers, I am very certain, Sir, it would be an expedient of very bad consequence with respect to his present Majesty to load his people with taxes which they may think unnecessary; for the people will always pay voluntarily and freely such taxes as they think are absolutely necessary for the support of the nation, but it will always raise disaffection to the king upon the throne, to load the people with taxes which they think unnecessary at the time they are laid on. It is for this reason that in time of war, a government may venture to subject the people to taxes, which would raise terrible complaints, if they should be raised in time of peace; and for the same reason I am of opinion, that we ought rather to convert a part of the sinking fund to the current service of the year, than to increase any of our old taxes, or load the people with any new; for as there is at present no demand for paying off any of our debts, and as none of the public creditors desire to have their money, I am convinced the generality of the people would think it unnecessary to load them with any new tax, when they know we have such a fund, to which we may have recourse for making good the current service of the year; and therefore we may presume that the loading of them at present with any new tax would raise a general disaffection to his present Majesty's person and government, and consequently be a most pernicious expedient.

It has been said, that by contracting a new debt, and creating a new fund for the current service of the year, the nation comes at last to be loaded with double the sum so raised, by means of the interest and expences of management, which they are obliged to pay yearly till the principal be paid off: but I cannot admit of the justness of this calculation; for, with respect to the expences of management, it is well known that no new debt we have lately contracted, has occasioned any great new expence; because the fund for paying off that debt has always been committed to the offices already erected, so that it has occasioned no additional expence, but that of adding perhaps two or three under clerks to some of the offices before established: and as to the interest paid yearly by the nation, does not every private man save that interest yearly, or make as much by the share which he must have contributed to that principal sum, in case it had been raised within the year? If every man in the nation should be obliged this year to contribute 10*s.* towards the current service of the year, does not he loose the interest of that 10*s.* for all years to come? And if by borrowing a sum of money upon the public credit at 3 or 4 per cent. that 10*s.* should be left in every private man's pocket, may he not make every year 5 per cent. of that money so left in his pocket? From hence it must be granted, that the contracting of a new debt at a low interest, instead of raising the money within the year, is an advantage rather than a loss to the nation in general.

As the forces necessary for the service of the ensuing year both by sea and land, have been already agreed to, they must be provided for some way or other: and if the usual taxes shall be found insufficient for that purpose, every one knows we have but three ways to make good that deficiency. We must make it good either by encreasing some old taxes, or by laying on new taxes, or by taking so much from the sinking fund as will make good that deficiency. As for the first method, none of our old taxes will admit of any increase except the land-tax: and, considering the heavy load that has for many years lain upon the landed gentlemen of this kingdom, I am really surprized that they have so long allowed themselves to be so loaded by the trading interest; therefore for the sake of prudence, as well as justice, we ought not to think of increasing the land tax; and I hope, in all our future measures, we shall impose such taxes as may fall with an equal weight upon all the subjects, in proportion to their yearly revenues or profits whether those yearly revenues and profits, proceed from land, trade, or money. With respect to the second method, I wish with all my heart several of the luxuries which have been lately introduced, or very much increased, were taxed more heavily than they are at present; but I am of opinion, that it is a dangerous experiment to lay on any new tax, in a time of profound peace, even upon the luxuries of life; especially as it is generally known, that we have another fund to which we may have recourse, without injuring in the least the public credit of the nation, or laying any additional load upon any rank of people: and if we should venture upon any such measure, it would not be proper to make use of any such tax for the current service of the year, because it is impossible to guess how much the produce of a new tax will amount to, and I cannot think it

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would be right to appropriate an uncertain produce for the payment of a certain sum. It is well known, that a great part of the debts we are now loaded with, and of which some gentlemen take all occasions to complain in the most grievous manner, were occasioned by that very method of laying on a new tax, the produce of which must always be uncertain, and appropriating that uncertain produce towards the payment of a certain sum: therefore if gentlemen have a mind to lay any new taxes upon the luxuries of life, I shall not be against it; but I hope they will order the whole produce to remain in the exchequer, in order to attend the future disposition of parliament; for before next session the amount of such new tax will be known, or may be nearly guessed at, and then it may safely be appropriated to the current service of the then ensuing year; or be made a fund for answering the current service of that year. Whether the usual taxes will be sufficient to answer the services already voted, and the other services that may be thought necessary for the ensuing year, I shall not pretend to determine; but if they are not, I think it is plain that we must have recourse to the sinking fund, as the most proper method of providing for any deficiency: however, we are not at present to determine this question absolutely; when gentlemen begin to consider of ways and means for raising the sums necessary for the service of the ensuing year, they ought, and they certainly will agree to raise them in that manner, which shall appear to be the least burthensome to the people; and therefore I think it would be very wrong in us, to restrain ourselves in the manner proposed by the motion now before us. But that we may be left altogether free to do in this respect what we may think proper when we go into the Committtee of ways and means, I shall propose, That the previous question may be put, with regard to the question now before us.

To this it was replied by the same members, who were for the motion, as follows:

Sir; It has been often observed, that new measures must always be supported by new doctrines, and it may as justly be observed, that wrong measures must be supported by wrong doctrines. This is the case with respect to the question now before us. The doctrines advanced in favour of that measure against which the present question is intended, are all so deceitful, that they are a plain proof that the measure must be wrong. What influence our ministers may think they have in the councils of foreign powers, I shall not determine; but I am sure it does not appear that we have any great influence, either from the advantages that have been lately obtained in favour of this nation, or from the late behaviour of some of our neighbours towards our allies. I hope it will not be said, that the courts of Vienna and Madrid had any great regard for us, when they concluded that treaty of Vienna which produced the treaty of Hanover, and made such a bustle in Europe; and I am sure it cannot be said, that the courts of Paris, Madrid, and Turin, shewed any great regard for us, when they made that private alliance, by which they parcelled out among them, our ally the emperor's dominions in Italy; nor can it, I think, be said, that the emperor placed any great confidence in our assistance, when in order to obtain a peace, he agreed to yield up to France the whole duchy of Lorrain.

I have not the honour, Sir, to be in the secret of affairs, therefore I must judge from public appearances; and from them it is to me evident, that our influence has of late greatly decayed, and will, I am afraid decay more and more: foreigners, Sir, know our circumstances better than we seem to do ourselves; they know that now, after a term of twenty years peace, our public debts are very near as great, and our circumstances as bad as they were at the end of the last war: they know that by a land-tax of 2*s* in the pound, we cannot provide for the yearly supplies we think necessary, even in time of peace, without running ourselves into some new debt, to the amount of 5 or 600,000*l*. yearly, or taking so much from the sinking-fund; and they know that, as the sinking-fund we now have arises wholly from our consumptions being much greater in time of peace than in time of war, the greatest part of it would be annihilated in case we should engage in a war; from which, every foreigner must conclude, and I should think every Englishman too, that with 4*s*. in the pound land-tax, we could not raise 500,000*l*. a year more than has been found necessary for supporting our government in time of peace; and that therefore we could not support a war without loading the people with many new taxes, or greatly increasing those we now have; neither of

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which, I am afraid, our people would patiently submit to.

Now, Sir, give me leave to consider the extraordinary doctrines advanced, for the support of that measure which the opposing of this question seems to point at: in the first place we are told, it would not be possible for us to reduce the interest payable upon our old debts, even though we should never contract any new debt: this, Sir, is contrary to one of the most established maxims, which is, that the natural interest of money must always depend upon the proportion there is in any particular country between the demand for borrowing money at interest, and the demand for lending money at interest; for as we have a sinking-fund capable of paying off a very large sum yearly, if we never perverted any part of that fund, which is always the same with contracting a new debt, we should be every year diminishing the demand for borrowing, and increasing the demand for lending; so that the natural interest of money, would necessarily of itself decrease, without any projects for that purpose.

This, I say, Sir, would of course happen in a few years; but even at present, if no new debts were to be contracted, I do not know but methods might be found for reducing immediately the interest of all our funds to 3 and a half, perhaps to 3 per cent. What these methods may be, I shall not take upon me to mention, because some gentlemen seem resolved that no proposition shall be received, except those offered by themselves. And to frighten us from any such projects we are told, that the foreigners would, in such a case, draw their money out all at once, and drain us of all the current specie in the kingdom; but to those who understand the circumstances of Europe, and are apprised of the lowness of interest in some countries, and the precariousness of the security in others, this must appear to be a mere bugbear.

Besides, Sir, the thing would either be in itself impossible, or it is an event we have no occasion to be afraid of; for if foreigners should all at once resolve to sell out, it would either run the price of all our funds a great deal below par, or it would not; if it did, they would be obliged to suspend their resolution, and take 3 per cent. rather than sell out 100*l.* stock for 80 or 90*l.* in ready money; and if their selling out did not run the price of our stocks below par, we can have no occasion to be afraid of any such resolution; because their selling out could not ruin our public credit, and the ready specie they could carry out would soon be replaced by the general balance of our trade, if we had no interest to pay yearly to them; for it has been for many years, and while it continues, it must always be a terrible drawback upon our general balance of trade, to have a sum of 4 or 500,000*l.* sent yearly out of the nation, in order to pay the interest due to them, every farthing of which is entirely lost to us; because the whole is spent by them in their own countries, or converted into principal here, to increase their future yearly demand.

Another paradox, advanced against the question now before us is, That the reducing the interest of money in general, would bring great difficulties upon all ranks of men in the kingdom. This, Sir, is evidently contrary to another established maxim, which is, that the lower the interest of money is in any country, the more flourishing it must be in its trade and commerce: I shall grant, that it would diminish the revenue of our public creditors, as well as of all other money-lenders, but it would not diminish their capital, and those that could not live idly upon the interest of their money would be obliged to betake themselves to trade, or to some other industrious employment, which might be a service to themselves, and a certain advantage to their country.

As to the landed gentlemen, I am surprized, Sir, to hear it said, that the reducing of interest would be a hardship upon them, considering how many, I am afraid too many of them, are like their country, involved in debts and mortgages. On the contrary, it would be a great advantage to every landed gentleman in the kingdom, because, besides reducing the interest he is to pay for the debt he owes, if he has any, it would greatly increase the value of his lands, as well as of all the lands in the kingdom; and as for his younger children, he would be under no necessity to give them any greater fortunes than before; but, if he were, a mortgage of 6,000*l.* at 3 per cent. is no greater burthen upon an estate, than a mortgage of half that sum at 6 per cent. interest; and if any part of the estate were to be sold for the raising of that money, as the price of lands will always rise in proportion as the interest of money falls, when money comes to be at 3 per cent. interest, the same parcel of land to be sold, will then fetch 6,000*l.* which would have sold but

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for 3,000*l.* when money was at 6 per cent. I do not know what the honourable gentleman means by enabling younger children to live in a genteel manner; unless he means in an idle and extravagant manner; and the fewer there are of such persons in any country, I am sure it is the better for the country; which would be the consequence in the present case: For as few gentlemen could propose that their younger children should live upon the interest of the fortunes they could give them, they would breed them all up to some trade or business; so that instead of a great number of idle and extravagant gentlemen, we should have a great number of industrious and frugal tradesmen or merchants; and which would be of most advantage to the country, is very easy to determine.

It is, Sir, a very great mistake, to imagine that there can be in any country too great a number of merchants and tradesmen, or that any sort of trade, which deserves that name, can be overstocked. Shopkeeping, or any other business, which tends to support the luxury of a people, may, it is true, be overstocked; and it is always a disadvantage to the people to have too great a number of such among them; but as for merchants, manufacturers, and mechanicks, there can never be too great a number of them in any country; because the more there are of them, the more foreign trade the nation will have, the greater its exports will be, and the more easy will it be for every particular man, if he be industrious and frugal, to provide a support for himself and family. This is justified by experience in all countries, and in all times; and therefore among the many other misfortunes attending our public funds, this may be reckoned as one, that a great number of our people are thereby enabled to live idly upon the interest of their money, which must necessarily diminish the number of our merchants, manufacturers, and mechanics.

To imagine, Sir, that the reducing of interest to 3 per cent. would bring any distress upon those who have occasion for money, is something very new; for the more trade there is in a country, the more money there will always be to be lent at interest; and those who have more money by them than they can make use of in their trade, will always lend it upon good security, even at 1 per cent. rather than keep it in their own coffers. But upon this occasion I cannot omit taking notice, that in this respect too, our public funds are of great detriment to the trade and private credit of the nation, because the monied men of the kingdom have so ready a way of getting an interest for their money by means of these funds, that they never think of lending their money to private men, but at an extravagant interest or premium; by which means our private credit between man and man is very much lessened, and great sums of money drawn out of trade, which is therefore a very strong argument in favour of the question now before us.

The people, Sir, never grudge the contributing what is necessary for the support of the government in time of peace, no more than they grudge what is necessary for the support of the government in time of war: The only thing they grudge is, to find the nation loaded with an expence that is not necessary, or the money they contribute improperly applied; and though the perverting of the Sinking-Fund, or running the nation in debt, may prevent the people of the present generation from being sensible of an unnecessary expence, and consequently may prevent their inquiring strictly into that expence, yet such a measure will make the present expence fall with double weight upon their posterity, and when they find themselves obliged to submit to heavy new taxes, because all the old stand engaged for the payment of old debts, which will certainly be the case as soon as the nation comes to be engaged in any war, they will then with reason complain, that an insupportable load has been thrown upon them, for the sake of a temporary ease given to their ancestors. This may very probably raise a general disaffection to the present establishment, and it will be the more dangerous, because it will happen at a time when our enemies will certainly be in earnest about playing the Pretender upon us. This consideration must, in my opinion, have great weight with every gentleman, who has a sincere regard for the illustrious family now upon the throne, and especially for that royal prince, who, it is to be hoped, will one day sway the sceptre of this kingdom; for by thus perverting the Sinking Fund, or running the nation into new incumbrances, even in time of peace, he may be left in such distress, as not to have it any way in his power to support the government with any lustre, or to vindicate the rights of the nation with any vigour.

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That no new office or officer has lately been created may be true, but, Sir, we know that a very great and a very grievous office, and a great number of officers, were lately revived in pursuance of the same measures now pointed at; and we likewise know that the collecting of our taxes, and the managing of our funds, cost the nation a most prodigious sum of money yearly, a much greater sum, I believe, than is necessary for that purpose; for if a narrow scrutiny were made into that affair, I am convinced it would be found, that the business of two or three offices might be managed by one, without employing a greater number of officers and clerks in that one, than is now employed in any one of the three; so that several offices, and a great number of officers and clerks might be laid aside, by which a very large sum of money might be saved yearly to the public. This would contribute greatly towards preventing our loading the people with new or additional taxes, or running the nation in debt, by creating new funds, or perverting the old; and this the people would certainly insist on, if they were every year made sensible of the sums necessary for the public service; but this it may be presumed, will always be avoided by those who have the disposal of such lucrative posts and employments.

It has been insinuated, as if it were an advantage to the people to run the nation in debt yearly, rather than raise the sums necessary within the year; because the money is thereby saved in every private man's pocket; of which he may, as long as he keeps it in his own possession, make an interest or a profit of 5 per cent. perhaps more; whereas the public may borrow at 3 per cent. or 4 at most; and from the same way of reasoning, it may be argued, that it will be an advantage to the people to run the nation every year into some new debt, and never pay off one shilling of the old. But do not we know, Sir, that in all countries, people look upon the public taxes as a part of their yearly expence; when those taxes are high, every man must contract his yearly expence in other articles, and when the public taxes are low, every man may, and generally does launch out a little into expences upon other articles, which he would otherwise have saved; so that if by borrowing a sum of money upon the public credit for the service of this year, we should prevent our being under a necessity of imposing a tax of ten shillings upon every man in the kingdom, that ten shillings would not be saved and laid out at interest by any man in the kingdom, at least not by any man, I believe, with a view to answer his share of the principal and interest of that sum that had been borrowed by the public. No, Sir, every man would live in his usual way, as if no such ten shillings had been, or were ever to be paid; no man would contract his usual annual expence on account of his share of that sum borrowed by the public; so that the sum so borrowed by the public, and the interest thereof, would remain a charge upon every man's posterity, without their having any thing left them by their ancestor for answering that charge. Even the posterity of the most frugal man in the kingdom would not be one shilling the richer, on account of that ten shillings which was saved in the pocket of their ancestor; because he might have saved ten shillings of his yearly expence in any one year, and would certainly have saved it, if he had found himself under a necessity of paying a tax of ten shillings to the public.

Sir, we have seen of late years several attempts made to throw a division, and to breed a dissention between the landed interest and the trading interest of this nation; but such attempts will, I hope, always prove fruitless, for their interests are inseparable, and will always be thought so by every man who has a respect for either. There is not a landed gentleman of any sense in the kingdom, but knows how greatly the rents of his estate would be diminished, if our trade should be undone; and therefore he will never consent to the throwing of any unnecessary burthen upon it. There is not a trading man in the kingdom of any consequence, but has a view to settle himself or his posterity in a land estate, and therefore he will never agree to the throwing of any unnecessary burthens upon land: but, Sir, there has been lately a third interest reared up in this kingdom, inconsistent with both: I mean, Sir, the interest of those concerned in our public funds. This is an interest for the support of which both our landed interest, and our trading interest are now greatly distressed; and it is an interest which some gentlemen seem to have a much greater regard for than for either of the other two. Such gentlemen will, I believe, always be for creating new funds, as long as we have any thing left

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unmortgaged, or any thing upon which a new or additional tax can be laid; because the creating of new funds will always increase that interest which they seem to have so much at heart; and will prevent its being ever in our power to diminish those annuities we are obliged to pay them; but they ought to consider, that the number of men concerned in our landed and trading interest, must always be much greater than the number of those concerned in our funds; so that if people find that either our landed interest, and our trading interest must be destroyed, or our public fund interest annihilated, it is easy to see upon whom the ruin must fall; and therefore, if those gentlemen consider right, they must conclude that it is against the interest of the proprietors of our funds to make any addition to them, or to divert that money which is appropriated, and ought to be applied yearly, to the diminishing of them.

Whether or no it may be necessary to impose any new taxes, I shall not determine; I hope not, but if it should be found necessary, the produce of a new tax may be appropriated to the current service, as well as the produce of an old; because if any deficiency happen, it may and ought to be made good out of the grants of the succeeding year: for our present debts did not proceed from appropriating the produce of any new tax, but from not taking care to make good in every succeeding year the deficiencies, which had happened in the grants for the service of the former. We all know, Sir, how dangerous it is to have money lying in the Exchequer unappropriated; we know what a temptation it is for some gentlemen to form extravagant projects, and to put the nation to a needless expence: nay, we know how apt some gentlemen are to break through the most strict, and the most necessary appropriations, in cases where there is not an immediate absolute necessity to apply the sums so appropriated to the uses for which they were originally designed; and our experience in this particular is one of the chief reasons, and one of the strongest arguments for the question now before us: therefore if we agree to the laying on of any new tax, I hope it will be immediately appropriated to the service of the ensuing year.

The very question now before us is, whether we ought to lay a restraint upon ourselves, with respect to the contracting of any new debt, or diverting the sinking fund from that use for which it was originally designed, and to which it stands appropriated by the express words of those acts of parliament by which it was established? The restraint now proposed, is only for this session; but I wish the restraint were for all sessions to come; and I am sure if we have any regard for our posterity, if we have any regard for the present illustrious family, if we have any regard for the future happiness, I may say preservation, of the nation, we will at least for this session act as if we were under such a restraint; therefore there can be no harm in laying ourselves under any such. And there is the more occasion for it, because of the frequent deviations we have lately made from this necessary rule, and because of the bad use that may be made of some late precedents; for if a check be not speedily put to such measures, as all administrations are but fleeting things, we may expect that every administration will endeavour to make themselves easy, and to put off the evil day as long as they can, by contracting some new debt every year, and mortgaging some part of the sinking fund, as long as there is a shilling of it left. As we have at present a pretty considerable sinking fund, this measure may perhaps support the present administration as long as it can well be supposed to last, especially if no war happens in the mean time; but sad and melancholy will the reckoning certainly come to be at last, when we find ourselves engaged in a dangerous and expensive war, our people loaded with as heavy taxes as they can possibly bear, and all those taxes mortgaged for the payment of debts, except just as much as may be sufficient for the support of our civil government. This project, Sir, gives me a most terrible alarm, and therefore I am most heartily for the question before us.

Then the question being put, That the question be now put; it was carried in the negative without a division.

A Petition of the Justices of Peace for Middlesex, against the excessive use of Spirituous Liquors.] Feb. 20. A Petition of his Majesty's Justices of the Peace for the county of Middlesex, in their general quarter sessions assembled, was presented to the House and read, setting forth,

"That the drinking of Geneva and other distilled Spirituous Liquors, had for some years past greatly increased, especially among the people of inferior rank; and that the constant and excessive use there-

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of had already destroyed thousands of his Majesty's subjects, and rendered great numbers of others unfit for useful labour and service, debauching at the same time their morals, and driving them into all manner of vice and wickedness; and that that pernicious liquor was then sold, not only by the distillers and Geneva shops, but many other persons of inferior trades; by which means, journeymen, apprentices, and servants, were drawn in to taste and by degrees to like, approve, and immoderately to drink thereof; and that the petitioners apprehended the public welfare and safety, as well as the trade of the nation, would be greatly affected by it, as that practice was dangerous and mischievous to the health, strength, peace, and morals, and tended greatly to diminish the labour and industry of his Majesty's subjects; and therefore praying that the House would take the premises into their serious consideration, and apply such remedy as the House should judge most proper." This Petition was ordered to be referred to a committee of the whole House; and it was resolved that the House would resolve itself into the said Committee on the 23d, to consider of the said Petition.

Resolutions thereupon.] Feb. 23. The House having resolved itself into the said Committee, sir Joseph Jekyll moved the following Resolutions, viz. "1. That the low price of Spirituous Liquors is the principal inducement to the excessive and pernicious use thereof. 2. That in order to prevent the excessive and pernicious use of Spirituous Liquors, a discouragement be given thereto by a duty to be laid on all such liquors by retail. 3. That the vending, bartering, or uttering the said liquors be restrained to persons keeping public brandy-shops, victualling houses, coffee houses, ale-houses and innholders, and to such apothecaries and surgeons, as should make use of the same by way of medicine only. 4. That no person keeping a public brandy-shop, a public victualling house, coffee-house or ale-house, or being an innholder, should be permitted to vend, barter, or utter the said liquors, but by licence, with a duty payable thereupon."

These Resolutions were all agreed to without debate in the committee, and being next day reported to the House, were there likewise agreed to. Then it was ordered, That the said Report be referred to the Committee of the whole House, to whom it was referred to consider farther of ways and means for raising the supply.

Debate on a Motion for enabling the King to borrow 600,000l. chargeable on the Sinking-Fund.] Feb. 27. The House having resolved itself into a committee, to consider farther of ways and means for raising the Supply granted to his Majesty, and the Surplusses stated at Lady-day and Michaelmas having been referred to the said committee, a motion was made, "That towards raising the Supply granted to his Majesty, his Majesty be enabled to borrow any sum or sums of money not exceeding 600,000*l.* at an interest not exceeding 3*l.* per cent. per ann. by loans to be charged upon the surplusses, excesses, or overplus monies commonly called the Sinking Fund, redeemable by parliament."

Upon this motion there was a debate, in which the courtiers urged

The necessity of raising, some way or other, the Supplies voted for the current service of the year; the impossibility that there was of raising them any other way, but by throwing the burden upon the landed interest, which would be the more unreasonable, because that interest had been for many years overloaded, and obliged to contribute much more than their proportional share towards the annual public expence; the absolute uncontroulable right the parliament had to dispose of the Sinking Fund yearly to such purposes, as they should think most for the benefit of the nation in general; the inconvenience of paying off too much of the public debt at once; the unwillingness of the public creditors to receive their money; and the small interest the nation would be obliged to pay for what money was necessary to be borrowed upon the credit of the Sinking-Fund.

To this it was answered, That the Supplies, necessary for the current service of the year, might have been greatly reduced, if some gentlemen had thought fit; in which case they would not have been obliged either to throw an additional burden on the landed interest, or to incroach upon that fund, which had always, till of late years, been deemed sacred to the payment of our public debts: That if words in an act of parliament could appropriate any sum to a particular use, the Sinking Fund was originally appropriated, in the most express terms, to the payment of the public debts contracted before the

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year 1716; and the only power that was left to future parliaments, by its original constitution, was to dispose of it to the payment of such of those debts, as should at the time be thought most necessary to be paid off: That it would be happy for the nation, if they could pay off all their public debts at once: That the unwillingness of the public creditors to receive their money was a certain sign of their having an advantageous bargain; and was therefore a demonstration, that it was the interest of the public to pay them off as fast as possible: And that, though they might perhaps be able to borrow the sum then proposed at 3*l.* per cent. yet even at that rate, it was adding to the future yearly expence of the nation a sum of 18,000*l.* per ann. for ever; which, though perhaps a small sum in the eyes of gentlemen who dealt in millions, was however a sum, that might thereafter be greatly wanted for the current service of some succeeding year: That considering the great expence we had been at in the then current year, and the great expence we were like to be put to in the next, for the defence of a foreign nation, they were surprized to find that no subsidy had been received, nor any sum like to be brought, at least to the public account, for answering the expence we had been, or were like to be at on that occasion: That we found by experience, no nation would so much as promise us any assistance, without our granting them a large annual subsidy, to commence as soon as the promise was made, and to be paid, though no such assistance should ever be wanted: That even when some of our allies had, for very valuable considerations, engaged to assist us at their own expence, yet when that assistance was required, they had always found pretences for not complying, 'till we engaged to defray any expence they should be put to upon that account: That it was certainly our interest to protect our allies, and to prevent any one of our neighbours growing too powerful by conquering another; but if we always shewed ourselves ready to protect the weakest side at our own expence, every one would find pretences for throwing all the burden upon our shoulders, by which management we must necessarily at last become the weakest of all our neighbours; and having thus spent our whole force, and thrown away all our money in the protecting of others, we should at last have nothing left wherewithal to protect or support ourselves.

To this it was replied again, That we had given no assistance, nor had lately put ourselves to any expence in the defence of any nation, but what we were obliged to, not only by the most solemn treaties, but even for the sake of our own preservation: That with regard to the nation supposed to be meant (Portugal) it was very well known, that we were as much interested in the defence and preservation of that nation as of any other; and it was likewise known, that we were far from being at all the expence, for that nation itself had been at a very great expence in providing for its own defence, and a great part of the money laid out in that provision, had been brought to this kingdom: That as that affair was then upon the anvil, it could not at this time be fully explained, but a time would come when it might; and when that time did come, the House might then, if they thought fit, inquire into it; upon which occasion the necessity, the justice, and the wisdom of our present conduct would, they believed, be easily explained to the satisfaction of almost every gentleman, who might then have the honour of being a member of that House.

Then the question being put for agreeing to the motion, it was carried in the affirmative without a division.

Petition of the Quakers for Relief relating to Tithes.] March 2. A Petition of the people called Quakers was presented to the Commons, and read, setting forth, "That notwithstanding the several acts of parliament made for the more easy recovery of tithes, church-rates, oblations, and other ecclesiastical dues, in a summary way, by warrant from justices of the peace; yet as the said people conscientiously refuse the payment thereof, they are not only liable to, but many of them have undergone grievous sufferings by prosecution in the exchequer, ecclesiastical, and other courts, to the imprisonment of their persons, and the impoverishing and ruin of them and their families, for such small sums as are recoverable by those acts: and therefore praying, That the House will be pleased to take the premises into consideration, and afford them such relief therein as to the House should seem meet."

Hereupon, it was ordered, That leave be given to bring in a bill to amend, and render more effectual the laws now in being, for the more easy recovery of Tithes, church-rates, oblations, and other ecclesias-

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tical dues from the people called Quakers; and that Mr. Glanville, sir William Yonge, Mr. Henry Archer, and Mr. Hampden, do prepare and bring in the same.

Debate on the Motion for a Duty of 20s. per Gallon to be laid on all Spirituous Liquors.] March 8. The House being in a grand committee on the supply, sir Joseph Jekyll moved to resolve, "That for all Spirituous Liquors, which any retailer thereof shall, from and after the 24th day of June, 1736, be possessed of, there shall be granted to his Majesty a duty of 20*s.* per gallon"; but this was opposed by several members, who thought the laying on so high a duty was in some measure a prohibition; and upon this occasion

Mr. *William Pulteney* stood up, and spoke as follows:

Sir; I believe it will be admitted by every gentleman, that the constant and excessive use of spirituous liquors among the inferior rank of our people, is a practice which has of late years grown to a monstrous height, and it will be as generally and as readily admitted, that this practice is dangerous and mischievons to the health, strength, peace, and morals of the people; and that it tends greatly to diminishing the labour and industry of his Majesty's subjects; therefore I believe we shall all agree in this, that some method ought to be taken for putting a stop to this practice; but whether it be necessary for this end, to lay a total prohibition upon the retail of such liquors, is a question that will in my opinion, admit of some doubt, and deserves our most serious consideration, because of the many bad consequences with which such a prohibition must certainly be attended.

Let us consider, Sir, that the distilling trade is a business which has been carried on by royal authority for about an hundred years, and that it has been not only highly approved, but very much encouraged by several acts of parliament passed since the revolution. Under such public, such great, and such solemn sanctions, what person in the kingdom could imagine that the trade was in itself pernicious, or that it was inconsistent with the health and welfare of the people; no man could; and accordingly great numbers of his Majesty's subjects, especially within these last forty years, have betaken themselves to this business, and have employed all the money they were masters of in providing materials proper for the business. And farther, Sir, as the distilling of such spirits has met with great encouragement from the legislature for many years past, so likewise the retail of them has been so much encouraged, or at least connived at, and there is not now an inn, an alehouse, or a coffee-house in the kingdom, but what owes a great part of its profits to the retail of such liquors: by which means there are now such multitudes of families in the kingdom who owe their chief, if not their only support to the distilling, or to the retailing such liquors, that they very well deserve the care and the consideration of a British House of Commons. The only complaint now before us, Sir, is against the constant and excessive use of spirituous liquors among persons of inferior rank: there is no complaint against the liquors themselves, nor was it ever said that a moderate use of any sort of such liquors was hurtful; nay, it will be granted, I believe, that the moderate use of them is upon many occasions convenient, if not necessary; so that by a total prohibition of such liquors by retail we seem to be carrying the remedy much farther than the disease, even with respect to our home-made spirits. But with respect to rum, I am sure there was never any complaint against the constant and excessive use of that liquor among persons of inferior rank; therefore I can see no reason for putting a stop to the retail of that liquor; and when we consider the present low and distressed condition of our sugar-colonies, and that they are now chiefly supported by the sale of their rum, I think we ought not to put almost an intire stop to the consumption of that liquor, without some very strong and very urgent reasons for so doing.

From what I have said, Sir, I hope no gentleman will suppose or imagine, that I am arguing against our taking some method for putting a stop to the constant and excessive use of such liquors amongst persons of inferior rank. No, Sir, I shall readily and willingly agree to any proper method for that purpose; but I must declare that my concern is so great for the multitudes of families both in this island and in the West-Indies, who now owe their chief support to the making and vending of such liquors, that I cannot give my consent to any regulation which will turn them entirely, and at once, out of the business to which they at present owe their chief support; especially, as I am convinced the disease we have under our consideration

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does not any ways stand in need of such a desperate cure: and I have likewise so great a regard for his Majesty and his illustrious family, and for the peace and quiet of this kingdom, that I cannot give my consent to a regulation which I foresee will raise great disaffection to the present government, and may produce such riots and tumults, as may endanger our present establishment, or at least such as cannot be quelled without spilling the blood of many of his Majesty's once faithful subjects, and putting an end to the liberties of the people. It is a dangerous, it is, Sir, a terrible thing, to reduce many thousands of families at once to a state of despair, which will be the certain consequence of laying such high duties upon the retail of spirituous liquors as will amount to a total prohibition.

The constant and excessive use of spirituous liquors, amongst the inferior rank of our people, is the only complaint now properly before us, and as it is evident that this grievance proceeds entirely from the low price of our home-made spirituous liquors, it is certain that a duty upon all such, perhaps less than that which was imposed by the late act against Geneva, would prevent the constant and excessive use of such liquors amongst the inferior rank of our people: this, Sir, I think is evident from the effect of those high duties which are laid upon brandy and rum; for it is certain that brandy and rum are more coveted by the vulgar, and may easily be made more palatable than any sort of home-made spirit; yet we have never heard of great complaints made against the constant and excessive use of brandy or rum among persons of inferior rank; the reason of which certainly is, because the duties upon these liquors have raised the price so high, that the lower sort of people cannot afford to make a constant and excessive use of them; and therefore it is plain, that if the price of all home-made spirits were, by a duty to be laid upon them, made as high as the price of rum is at present, it would prevent the constant and excessive use of them among the vulgar.

It cannot be said, Sir, that nothing but a total prohibition can be an effectual remedy against the evil complained of, because we all know that the late act against Geneva was effectual so far as it went: It was made, we know, to extend only to compound spirits, and with respect to them it was an effectual remedy, for it put an entire stop to the constant and excessive use of such spirits amongst those of inferior rank; but some of the distillers immediately began to make a sort of plain spirit, which, I believe in derision of the act, they called Parliament Brandy, and this the common people made as constant and as excessive an use of, as they had before done of compound spirits: this was the case of that act, and if it had been amended, and made to extend to all home-made spirits, instead of being repealed, there would never have been occasion for any such complaint as that we have now before us: how it comes to be repealed, I shall not now take upon me to explain; but upon recollecting what was the effect of that act, I think we need not give ourselves any great trouble in searching after a remedy for the disease now complained of: let us but revive that act, extend it to all home-made spirits, and add some clauses for preventing any person's selling spirituous liquors without a licence, and I am convinced the remedy will be found to be effectual.

But admitting that nothing but a total prohibition will do; yet, for God's sake, Sir, let us have some regard to the many poor families that are now supported by the distilling and vending of spirituous liquors: do not let us, for God's sake, turn them all at once out of their livelihood: let us consider how difficult it is for a man who has been bred up to, and long exercised one sort of business, to turn himself all at once to another, by which he may support his family: let us consider what a loss he must sustain by the sale of those utensils he had occasion for in his former way of business; the difficulty must upon all occasions be great, the loss must be considerable; but by turning such multitudes adrift at once, we shall make the difficulty insurmountable, and the loss irreparable; for there will be such numbers brought at once to look out for new employments, that it will make it impossible for any one of them to succeed; and there will be such a large quantity of a certain sort of materials brought at once to the market, that none of them will bear any price. In short, Sir, the difficulties and distresses which many poor families must be drove to, raise in me the most melancholy reflections, and they must raise in the breast of every man that hears me, the most compassionate concern; therefore, if it be thought absolutely necessary to lay on such duties as will amount

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to a prohibition, I hope they will not be laid on all at once: we may now lay on a small duty upon all sorts of spirits sold by retail, and a small duty upon licences for selling by retail; we may increase those duties the next session, and we may go on increasing yearly, till they be at last brought up so high as to amount to a prohibition; by this method people will have time to look about them, and will get out of the trade by degrees; which will make it the less hurtful to every particular man, and the more easy for him to fix himself in some new way of business, by which he may be able to support his family.

I have often heard, Sir, of sumptuary laws, by which certain sorts of apparel, or rather decorations, have been forbid to be worn by persons of inferior rank; but I never yet heard of a sumptuary law, by which any sort of victuals or drink were forbid to be made use of by persons of a low degree; yet this is, as it appears to me, what seems to be now intended: we are absolutely to forbid the use of spirituous liquors to all those, who are not able to purchase a certain number of gallons at a time: a poor journeyman or labourer shall not have a dram, shall not have a glass of punch, unless he can spare to lay out eight or ten shillings at a time, which I am sure two thirds of our people cannot well spare to do: whereas if a man is rich enough to lay out eight or ten shillings at a time, or profligate enough to pawn his coat, in order to raise the money, he may drink as much, he may commit as many debauches in that liquor as he pleases: the law, contrived by the wisdom of the British legislature against the excessive drinking of spirits, shall put no restraint upon any such man: if spirituous liquors, even when taken in the most moderate way, are of such a pernicious nature, that they ought never to be tasted without the advice and prescription of a physician, we ought to take care of the rich as well as of the poor, by putting it out of the power of the former as well as of the latter, to taste the bewitching cup without such advice and prescription; but if the moderate use of such liquors be no way hurtful, I can see no reason for our making any invidious distinction between the poor and the rich; let us leave the moderate use of such liquors to all, and take all proper methods for preventing their being immoderately used by any. This, I think, Sir, may be done by a much lower duty than that now proposed, and therefore, though I have as great a regard for the health and the morals of the people as any gentleman in this House; yet I cannot but be against the motion now made to you, because of the terrible consequences with which it must be necessarily attended.

In answer to the above speech of Mr. Pulteney's, it was urged, That no sort of distilled spirituous liquor was absolutely necessary for the support of nature; that such liquors were at first used only by physicians, in some dangerous distempers, and were never dispensed but in small quantities; but when such liquors were to be met with at every corner, and people left at liberty to take as much of them as they pleased, few could keep themselves within any bounds, because a small quantity deprived them of their reason, and the companions they usually met with at such places, encouraged them to drink to excess: That it was impossible to prevent this excess, without diminishing the number of retailers of such liquors, and raising the price so high, as to put them out of the reach of persons of inferior rank, who were the only sort of people apt to make a custom of getting drunk with such liquor; for that very few of the better sort had ever been found to commit frequent debauches in such liquors; and even with respect to them, by putting it out of their power to meet with such liquors at a cheap rate in any place of public resort, the temptations which might arise fron promiscuous company, would be entirely taken away, and very few persons were so ridiculously abandoned as to get drunk by themselves.

That they were very sensible of the difficulties to which great numbers of his Majesty's subjects would be reduced by the duties to be laid upon the retail of such liquors; but the interest of every particular man must give way to the general interest; and where the preservation of the society was so essentially concerned, the prejudice of some few particular persons was not to be regarded. However, that all possible care would be taken of those that might suffer by the duties to be laid upon the retail of spirituous liquors, in order that they might be enabled to fall upon some other way of supporting their families; and as every one would be convinced that their being turned out of their present way of supporting them, was necessary for the public good, it was to be presumed that every man

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would willingly submit to such a regulation; so that it could not raise any disaffection to his Majesty's government.

That with respect to rum and brandy, it was very certain that they likewise had been often drank to great excess, notwithstanding the high duties laid upon them, and were as pernicious, both to the health and the morals of the people, as any home made spirit: That it would be ridiculous to lay a higher duty upon home-made spirits, which were the manufacture of the subjects of this island, than upon rum and brandy, especially the latter; and that if our sugar-islands should suffer a little by our lessening the consumption of rum, they could not complain, when they considered that it was for the sake of preserving their mother-country, the general interest of which was always to be preferred to the particular interest of any colony; for if any sort of spirit should be exempted from the duties then to be imposed, the retailers would sell all sorts of spirits under that denomination, and the distillers would compound them in such a manner, that it would be impossible to discover the fallacy.

That they would willingly agree to the method proposed by the honourable gentleman, of laying on but a small duty at once, and raising that duty by degrees; but they were very sure the laying on a small duty would not be an effectual remedy for the evil so loudly complained of: And if the resentment, then in the nation against all sorts of distilled spirituous liquors, should be allowed to subside, they were afraid they would never be able to get a new act passed for raising that duty, because of the multitudes of people that would always be engaged, by their own private interest, to oppose the passing of any such law; therefore they thought it was absolutely necessary to take advantage of present conjuncture, to put an effectual stop to a practice so long, and so justly complained of; and for that reason they were for agreeing with the motion.

The question being then put upon sir Joseph Jekyll's motion, the same was agreed to without any farther debate; as was likewise the following, viz. "That from and after the 24th day of June, 1736, the sum of 50*l.* yearly be paid to his Majesty, for a licence, to be taken out yearly by every person keeping a public brandy-shop, a public victualling-house, coffee-house, or ale-house, or being an innholder, who shall vend, barter, or utter, any such spirituous liquors."

The chairman of the Committee being about to make a report of the two foregoing resolutions to the House, sir Robert Walpole moved, "That the Committee might sit again before any Report was made to the House, because as the Duties proposed to be laid upon Spirituous Liquors would certainly very much diminish the consumption of such spirits, it was not to be expected that the duties upon such spirits would produce so much yearly as they had formerly done; and as the former produce stood appropriated for answering certain annuities and payments, particularly to the Civil List, it would be necessary to consider of ways and means to make good the deficiencies, that might happen by the two Resolutions they had then agreed to." Hereupon, the Committee agreed to sit again upon that affair before making any report.*

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* "The act for laying a tax on Spirituous Liquors and licensing the retailers, was a measure in which the minister had no immediate concern, but for which he suffered much unmerited obloquy. The bill was principally promoted by sir Joseph Jekyll, from a spirit of philanthropy, which led him to contemplate with horror the progress of vice, licentiousness, and immorality that marked the popular attachment to these inflammatory poisons. This benevolent attempt embarrassed the minister, but did not answer the desired end.

"It was incumbent on the minister to prevent any diminution of the revenue of the crown, and for that purpose to supply any deficiency which might arise from the reduced consumption of spirituous liquors; but this attention to his official duty, exposed him to much intemperate abuse, and he was reproached for wishing to sacrifice the morals of the people to financial considerations. After many debates, in which he took an active share, the bill pased, and 70,000*l.* per annum was granted to the King as a compensation for the diminution of the civil list, to which the duty had hitherto belonged.

"The populace shewed their disapprobation of this act in the usual mode of riot and violence. Numerous desperados availed themselves of the popular discontents, and continued the clandestine sale of gin in defiance of every restriction. The demand of penalties, which the offenders were unable to pay, filled the prisons, and removing every restraint, plunged them into courses more audaciously criminal. It was found that a duty and penalty so severe as to amount to an implied prohibition, were as little calculated to benefit the public morality, as the public revenue, and as Walpole predicted, a subsequent administration was obliged to modify the measure." Coxe's Walpole.

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A Petition of the Druggists, &c. complaining of the unequal Duties upon Tea, and the pernicious Practice of Smuggling.] March 10. A Petition of the Druggists, and other dealers in Tea, was presented to the House, and read; setting forth, "That the Petitioners were induced to hope, that the interest of the fair trader in Tea would have been effectually secured by an act passed in the 10th year of his late Majesty, by which an inland duty of 4*s.* per pound was laid on all tea, without distinction of quality; but notwithstanding the regulations made by that act, and the many penalties the smugglers of Tea and their accomplices were liable to by law, the Petitioners had fatally experienced, the clandestine importation of that commodity was so far from being prevented, that it was carried on to such a degree, that the Petitioners had the strongest reason to believe, near one half of the Tea consumed in this kingdom paid no duty; and that the very high duty of 4*s.* per pound, as well as the inequality of its being laid, were the principal foundations of the pernicious practice of smuggling, the coarser sort bearing much too great a proportion of the said duty; and by the smugglers bought abroad at one third of the price it would stand the fair trader in at home; and that unless some remedy should be applied effectually to prevent that known evil, the Petitioners and all fair traders would be under extreme difficulties in carrying on their trade, by reason of the disadvantages they were under, from the practices of smuggling, as well as from the hardships they endured, and the trouble they were put to, by the execution of the said act; and that the Petitioners conceived the most effectual means of putting a stop to the clandestine importation of Tea would be, to alter the duty of 4*s.* per pound to a certain rate *ad valorem*, according to the prices tea should sell for at the East-India Company's sale; by which alteration, the Petitioners apprehended, the amount of the duty to the public would be equivalent, considering the quantity, before that time fraudulently imported, would be then added to the revenue; and therefore, for the preservation of that trade to the Petitioners, by putting an end to the practice of smuggling, and for securing a revenue to the public, by the importation of that commodity in British ships from China and other parts of India, and for preventing any money being sent to neighbouring countries for the purchase of Tea to be clandestinely imported and consumed in this kingdom, praying the House to take the premises into consideration, and give the Petitioners such relief, as to the House should seem meet.

Hereupon it was resolved, *nem. con.* That this House will upon this day sen'night, resolve itself into a Committee of the whole House, to consider of the most effectual means to put a stop to the great and growing evil arising from the unwarrantable and illegal methods of importing Tea and other goods into this kingdom; and the said Petition was ordered to be referred to the consideration of the said Committee.

Debate in the Commons on a Motion for the repeal of the Test Act.*] March 12. A motion was made by Mr. Plumer, That an act made in the 25th of king Charles 2, intitled, 'An Act for preventing Dangers which may happen from Popish Re-

* "This session, another attempt was made, for the relief of Protestant dissenters. For, on the 12th of March, Mr. Plumer, in a very fine speech, moved for a repeal of the act of the 25th of Charles II. 'for preventing dangers, 'which may happen from Popish recusants,' commonly called the Test act. Mr. Plumer was seconded by sir Wilfred Lawson, lord Polworth, alderman Heathcoat, and other gentlemen, thought to be extremely attached to the established church. But he was opposed by lord Noel Somerset, lord Tyrconnel, Mr. Danvers, Mr. Shippen, and sir Robert Walpole, who never was considered as an enemy to the dissenters. This motion was, at that time, generally thought to be made not with any hopes of success, but because it was apprehended by those who were for it, that its miscarriage would lose the affection of the dissenters to the minister. He seemed to be sensible of that; for in his speech against the motion he expressed himself so cautiously with regard to the church, and so affectionately with regard to the dissenters, that neither party had cause to complain of him. The motion miscarried by a majority of 251 against 123." Tindal.

"Few subjects were more embarrassing to the minister, than the proposed repeal of the Test act. He had for a long time acted with the dissenters; he fully appreciated the advantage which the Protestant succession had derived from their exertions; he had received from them the warmest support; he knew that they had reason to expect relief from a Protestant king, whom they had assisted in placing on the throne; he had even given them hopes, that the time was not far distant, when they might obtain what they so earnestly desired." Coxe.

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cusants,' might be read; and the same being read accordingly,

Mr. *Plumer* stood up and spoke as follows:

Sir; I believe every gentleman that hears me may easily judge, with what view I have desired this act to be read to you. It is, Sir, with a design to have some part of it repealed, and another part so amended and explained, as to make it consistent with that charity and good nature which every member of the christian religion ought to shew to another.

The motion I am now to make, Sir, proceeds chiefly from these three considerations: that I am, and I hope shall always be, an utter enemy to all manner of persecution; that I have a great reverence for that solemn institution called the Sacrament of the Lord's Supper; and that I shall always be for every thing which I think may tend towards establishing and preserving the unity, peace, and trade of my country. These are considerations which I am persuaded are of as great weight with every gentleman of this House as they are with me; and therefore, if I can shew that there is any thing in this act that looks like persecution, any thing that brings a contempt upon that holy institution of our religion, or any thing inconsistent with the unity and peace of our people, or with the trade of our country, I make no doubt of having the unanimous assent of this House to what I am to propose: and, in my opinion, it would contribute greatly to the glory of this generation, as well as the honour of this House of Commons, to have it agreed to *nemine contradicente*.

I hope, Sir, it will be granted me, that the subjecting a man to a great penalty if he refused to subscribe to an opinion which he thought inconsistent with the Christian religion, or to join in any ceremonies of public worship which he thought sinful or perhaps idolatrous, would be a very heavy persecution; and I hope it will likewise be granted, that to render a man upon any such account incapable of holding a land-estate, or of succeeding to any estate as next heir or next of kin, would also amount to a high degree of persecution: now in this statute which has been read to you, there is one clause which enacts, 'That 'all persons that shall bear office, civil or 'military, or receive any salary or wages 'by any grant from the king, or shall have 'command or place of trust from or under 'him, or shall be in his navy or houshold, 'in England, Wales, Berwick, Jersey, or 'Guernsey, shall not only take the oaths 'of supremacy and allegiance, in the next 'term, or at the quarter sessions, within 'three months after their admittance, but 'shall receive the Sacrament of the Lord's 'Supper according to the usage of the 'church of England, of which they are to 'deliver a certificate, and make proof, 'at the time of their taking the said oaths; 'in failure of which they are *ipso facto* dis-'abled to enjoy the said offices or employ-'ments, or any profit thereby:' And by another clause, 'Persons beyond the seas 'or under any of the other impediments 'there mentioned, are to receive the Sa-'crament and take the said oaths, within 'four months after such impediment re-'moved.' By this regulation it is evident, that no man can hold or enjoy an office or employment, civil or military, without declaring himself a member of the church of England as by law established; and as there are great numbers of faithful subjects, who have the misfortune of believing that some of the opinions established by our church are not entirely consistent with Christianity, and that some of our religious ceremonies tend towards idolatry, such men cannot sincerely communicate with the established church; upon which account, and upon that only, they may therefore be subjected to penalties, or deprived of a yearly revenue, according to the nature of the office they may be named or entitled to; for if the post or office be such a one as is attended with trouble only, there is generally a penalty upon a man's refusing to serve it; which penalty every man must pay who is not a member of the church of England; because by this clause he is debarred from serving the office; whereas if it were not for this incapacity he is laid under, he might probably chuse to serve the office rather than pay the penalty; and I would be glad to know the difference between subjecting a man directly to a penalty for refusing to join in any religious opinion or ceremony, and this indirect manner of subjecting him to it, by tacking to an office, in itself merely temporal, a most solemn approbation of all the religious doctrines and ceremonies of the established church.

Again, Sir, if the post or office to which a man is named or intitled, be one of those to which a yearly salary or revenue is annexed, from the day of his nomination he has as good a right to receive the profits

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of that office as any man has, or can have, to his ancestor's estate, they being both founded chiefly upon the law of the land; nay it often happens, that the person named to any post or office has by long and faithful services fully deserved that nomination; and this I take to be a more meritorious title, than the title any man can have to the estate of his ancestor or next relation. Suppose we should have a new foreign war of ten years duration, as we had in the late queen's reign; suppose a gentleman of the dissenting persuasion should, in the beginning of that war, go abroad a cadet in one of our marching regiments, and in consideration of much blood lost, and many brave services performed in the cause of his country, should be at last made colonel of a regiment, would not such a man be fully intitled to the profits of his commission, during the time his Majesty should think fit to continue him in command? Would it not be downright persecution to turn him out of his commission, and reduce him to a starving condition, merely for the sake of a scruple of conscience? Yet the case would be so, if this law should be then in force: Upon the first return of the regiment to England, he would be obliged, within four months to give up his regiment, or receive the Sacrament of the Lord's Supper, according to the usage of our established Church, which his conscience would not permit him to do, if he should happen to be a sincere dissenter: Therefore I must look upon this as a much higher degree of persecution, than it would be to render a man, on account of any religious opinion, incapable of holding a land-estate, or of succeeding to any estate as next of kin.

From what I have said, Sir, I hope it will appear that a very high degree of persecution lurks under the incapacitating clauses I have mentioned, and therefore, in my motion for the repeal of them, I hope I shall have the concurrence of all those who are real enemies to that Anti-Christian practice; but when I consider the reverence due to the Sacrament of the Lord's Supper; a sacred mystery which none ought to approach, without having first diligently examined themselves, and to which all are to be invited, but none to be compelled, I am surprised that it should ever have been turned to such a prophane use, as that of qualifying a man for being an adjutant to a regiment, or the bailiff of a little borough. This, Sir, is perverting it to an use for which I am sure it was never intended, and this perversion has already produced, and will always produce, many and great abominations. It is well known how many have become unworthy partakers of the Holy Communion, for the sake only of intitling themselves to some lûcrative post or employment; it is well known what terrible indecencies some have been guilty of, upon such occasions, and what a scandal has often been thereby given to all those who are truly devout. This is so generally known that it is now the common practice in all the Churches of England, for the curate to desire the legal communicants if any there be, I mean those who come there in obedience to that statute, to divide themselves from those who come there purely for the sake of devotion; and, indeed, it were to be wished that none of the former should ever be allowed to communicate in the presence of, much less at the same table with any of the latter; for the former are often so well and so generally known to be unworthy partakers, that their being admitted upon any pretence whatsoever, gives great offence to the truly religious, and tends to subvert the morals of the vulgar, by lessening that esteem which they ought to have for the established religion of their country, and which wise magistrates will always cultivate with all possible care; but this by long and general experience we know, is not to be done by penal laws. On the contrary, such guarantees for the established religion of any country, have always produced pride, ignorance, luxury, and oppression, among those of the established Church, and invincible, nay, often victorious enthusiasm, among those of the contrary religion. Even in this kingdom, we know, that penal laws and persecution raised so high the torrent of enthusiasm among us, that our established Church was at last quite overwhelmed by the dissenting interest; and happy was it for our Church that those enthusiasts destroyed our constitution, as well as our established religion; for if they had preserved the former, I am afraid the latter had never been restored. Since the repeal of most of our persecuting laws, the dissenting interest has daily decreased; and I am convinced those remains of it that are now among us, are chiefly owing to the act now under our consideration, and one other act of much the same nature.

With regard to the peace and unity of

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our people, I must say, Sir, it is matter of great surprise to me, how the legislature of any country could be prevailed on to annex temporal rewards or punishments to speculative opinions in religion. I can easily conceive how doctors might differ in speculative points of divinity, as well as in speculative points of law, physic, or philosophy; and I know with what vehemence a learned doctor in either of those sciences maintains his own opinion, and with what envy, malice, and rage, he pursues his adversaries; but I cannot easily conceive what reasons the lawgivers of any country could have, to adopt and establish speculative opinions of any particular doctor in divinity, while at the same time they shewed a very great indifference, with regard to the speculative opinions of the doctors in all other branches of literature: the cause of this different behaviour in our ancient lawgivers, I say, I cannot well comprehend; but whatever may have been the cause; if they thereby intended to establish an uniformity of opinion with respect to religious matters, experience has shewn that they have been most egregiously mistaken, for the annexing of temporal rewards and punishments to speculative opinions, has been so far from reconciling men's minds, and making them agree in any one opinion, that it has rendered those of different opinions in religion, not only implacable, but most cruel and barbarous enemies to one another; an effect which has never been produced by difference of opinion in any other science. In law, in physic, in philosophy, there are, and always have been, doctors of different opinions, and among them too there have always been I believe, some who would have gladly confuted their adversaries by fire and faggot, especially when they found themselves overcome by fair reasoning; but as the law of no country has as yet thought fit to interpose in those disputes, we find the followers of these doctors have generally argued the matter very coolly, and when the dispute was over have parted as good friends as they met. This has hitherto been the case in all sciences except divinity; but if we should make a law for punishing those who did not agree with the Newtonian system of philosophy, or for rendering all such incapable to hold any post or office in our government, I am persuaded we should have, in a few years, great numbers of our people who would be ready to sacrifice life and fortune in defence of the Aristotelian or the Cartesian system: nay, if any such law were made against all those who did not believe that the three angles of every triangle, are equal to two right angles, I make no doubt but that this plain demonstration would be most violently opposed by great numbers of men in the kingdom; for when the passions of men are stirred up by temporal rewards and punishments, the most reasonable opinions are rejected with indignation, the most ridiculous are embraced with a frantic sort of zeal. Therefore, Sir, if we have a mind to establish peace among our people, we must allow men to judge freely in matters of religion and to imbrace that opinion they think right, without any hopes of temporal rewards, and without any fears of temporal punishment.

As to our trade, Sir, the advantages we have reaped in that respect by the Toleration act are so apparent, that I shall not take up your time with enlarging upon that subject; but in order to retain those advantages, and to improve them as much as possible, I shall beg leave to move, "That leave be given to bring in a Bill to repeal so much of the said Act passed in the 25th of Charles 2, intituled, 'An Act 'for preventing dangers which may happen 'from Popish Recusants,' as obliges all persons, who are admitted to any office, civil or military, to receive the sacrament of the Lord's Supper, within a time limited by the said act, and for explaining and amending so much of the said act, as relates to the declaration against transubstantiation."

Mr. Plumer being seconded by sir Wilfrid Lawson; the same was opposed by lord Noel Somerset, lord viscount Tyrconnell, Mr. Danvers, Mr. Shippen, and sir Robert Walpole, who urged the following Arguments against the motion.

Sir; As I have hitherto appeared to be an utter enemy to all persecution, I hope my disagreeing with this motion will not be looked on as any sign of my having changed my opinion, or of my having any intention to alter my conduct for the future: so far otherwise, Sir, I have still, and I hope shall always have as tender a regard for the dissenters of all denominations, as any man can have, who is a true member of the church established by law. As a sincere member of the church of England I must, and I do wish that all the dissenters in the kingdom could be gained over to the established church; but though I wish

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for this happy event, yet I shall never be for attempting the accomplishment of that wish by any methods that have the least tendency towards persecution, or towards doing a real injury to any man whose conscience will not allow him to embrace the established religion of his country: for all such I shall continue to have a real concern; because I think this difference of opinion is a man's misfortune, and not his crime.

But, Sir, the word 'Persecution' has, in my opinion, been very much mistaken by the honourable gentleman who made you this motion; for according to the meaning he has put upon the words, there could be no established church, or established religion in the world, but what must be deemed guilty of persecuting all those who differ from it; and yet those gentlemen will, I believe, grant, that in every society there ought to be an established religion, or a certain form of public worship established by the laws of that society; therefore we must find out a meaning for these words different from that which has been put upon it.

As there is in every society a certain form of government established, I hope it will be granted, that it is the duty of every member of that society to support and preserve that form of government as long as he thinks it the best that can be established; and on the other hand, if there be any man, or any set of men, who are convinced that a different form of government would render the society much more happy and powerful, I believe it will likewise be granted, that it is the duty of all such men to endeavour, in a peaceable way, at least, to bring about an alteration. These two duties therefore being altogether inconsistent, nay, even destructive of one another, it is absolutely impossible for the one set of men to do their duty, without laying the other set under some hardships: When those hardships are no greater than what are absolutely necessary for the end intended, they are just and reasonable, and such as those who are subjected to them, ought not to complain of; but when they are greater than what are necessary, they then begin to take and to deserve the name of oppression, and according to the degrees of this excess, the degrees of oppression are always to be computed. In this kingdom we know there is a set of men who think it their duty to endeavour to bring about an alteration of our present happy establishment, I mean our nonjurors; who for that very reason are excluded from all posts and places in our government, which is certainly a hardship upon them; but, I am sure it cannot be called an oppression; nor can this exclusion with respect to them be called a punishment.

And if there be a set of men in this kingdom who think the doctrines of the established church inconsistent with christianity, or the ceremonies of our public worship idolatrous, it is their duty as Christians to attempt to bring about an alteration in our established religion, and they certainly will attempt it as soon as it is in their power; nay, with all deference to the honourable gentlemen who have spoke upon the other side of the question, for all of whom I have the greatest esteem, I must look upon this very motion as a beginning of that attempt; but as I am a member of the church of England, and think it the best religion that can be established, I think it my duty to prevent its being ever in the power of such men to succeed in any such attempt; and for this purpose, I think it absolutely necessary to exclude them from any share in the executive part of our government at least; because if the executive part should once come to be generally in their hands, they would very probably get the legislative part likewise, from which time it would be in vain to think of preventing, in a peaceable manner, their doing whatever they had a mind; and it must be presumed they would do what they thought themselves in duty bound to do. To exclude a man from a profitable post or employment, I shall admit to be a hardship upon the man so excluded; but as it is absolutely necessary for the preservation of our established church, to exclude those, who think it their duty to destroy it, from any share in the executive part of our government; therefore this exclusion can no more be called persecution, than it can be called oppression, to exclude nonjurors from any share of our government executive or legislative, nor can such exclusion be deemed a punishment in the one case any more than in the other.

In the supposed case of a brave dissenter's being advanced to the command of a regiment, I shall grant that it would be a great hardship upon him to be turned out of his command, and to be exposed to a starving condition, upon his return to his native country; but the same case may be supposed with respect to a Roman catholic

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gentleman; yet there would be no persecution in either case; because the excluding of all such men from any command in our army, especially here at home, is, I think, absolutely necessary for the preservation of our constitution in the happy state it is in at present: Nor could such an exclusion be called a punishment upon the man so excluded, no more than it can be called a punishment upon a man of five foot and a half to be excluded from being a soldier in the guards; for neither of these exclusions proceeds from any crime or fault in the man, it being as impossible for a man to alter his opinion when he has a mind, as it is to add two or three inches to his stature when he has occasion for it; but as the latter becomes necessary for the sake of preserving the beauty and symmetry of a regiment, so the former becomes necessary for the sake of preserving the beauty and symmetry of a society.

The argument raised from the supposed abuse of the blessed sacrament of the Lord's Supper, is founded upon a fact which I cannot admit; for as there is nothing in this law that can compel the admission of an unworthy person; as the ministers of our church may refuse to admit any person to that sacrament, who does not devoutly and humbly desire it, or for any other lawful cause, (See Statute 1 Edward 6. chap. 1.) I must presume no unworthy persons are admitted; or at least, if there be, it does not proceed from any fault in this or any other of our statutes, but from the criminal and irreligious neglect of the minister who admits them.

As to the unity and peace of our people, I am persuaded, Sir, the repeal of this law, and another which I believe is likewise intended, would raise most terrible disturbances and confusions; for with respect to all posts and employments that go by election, we should have all the dissenters combining closely together to bring in their friends, which would of course breed many riots and tumults. And as to our trade, it depends so much upon the peace and tranquillity of the nation, that if we have a mind to preserve it, we ought not to make any new regulation or repeal any old, if by so doing we run the risque of raising heart-burnings and jealousies among our people.

To this it was replied by lord Polwarth, Mr. Heathcote, and Mr. Holden, as follows;

'Sir; I shall take up very little of your time in replying to what has been said; for in my opinion, the arguments for the motion have been enforced by what has been said by way of answer to them. If the hardships imposed upon the dissenters, by the law under our consideration, are greater than what are absolutely necessary for preventing its being in their power to destroy the established church, it must be granted, from what has been said of the other side of the question, that this law is a persecuting law: Now, Sir, to determine this question in the affirmative, we need have recourse to no other nation but Scotland: With regard to that nation, we know that the Presbyterian religion, which is here one of our dissenting religions, is there the established church, and what is here our established church, is there a dissenting religion; yet the established church in Scotland have never thought it necessary, nor does it appear to be necessary, for their preservation, to exclude their dissenters from all posts and employments in the executive part of their government, nor have they any law for such a purpose; but on the contrary some of their judges and magistrates, and many of those in posts and employments in that kingdom, go openly, and in the most solemn manner, to the episcopal or church of England meeting-houses; and though this practice or indulgence has been continued for many years, and continues to this day, yet the established church in that country is so far from being in any danger of being overturned by what is there the dissenting interest, that the former is daily gaining ground upon the latter; which evidently shews the great weight and effect of a legal establishment, with respect to religion, when the minds of men are not irritated by any unnecessary hardships put upon them. I could likewise instance Holland, and several other Protestant countries, to shew that rendering dissenters incapable of serving the crown in any post of honour, trust, or profit, is a hardship put upon them, which is so far from being absolutely necessary, that it is not at all necessary for preserving the established religion of any country; and therefore this hardship must in the strictest sense be called persecution, even according to the meaning put upon it by the honourable gentlemen, who have spoke on the other side of the question.

With respect to Nonjurors and Roman-Catholics, the hardships put upon them are

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not for the sake of a scruple of conscience in any matter of a religious concern, but because they are enemies to the state, and to the present happy establishment; but I am surprized to hear it said that the rendering of them, or the dissenters, incapable of holding any post of honour, trust, or profit under the crown, is no punishment, when I consider that that very punishment has often been inflicted by parliament, as one of the greatest punishments they could inflict upon crimes of a very high nature; Surely this legal incapacity must be looked on as a punishment upon both, but with this difference, that upon Nonjurors or Roman Catholics, it is with great justice inflicted, but upon dissenters it is inflicted without any occasion, no party among the latter having ever yet been suspected of being enemies to our present establishment, unless the rejecting of this motion should make them so. I am sure every gentleman that hears me must grant, that there is some difference between a capacity of being a soldier in the guards, and a capacity of holding any post or preferment under the crown: The guards are the king's own servants, and every man may chuse what sort of servants he has a mind; therefore no man has a title to any capacity of being a soldier in the guards; but every subject has a title to a capacity at least of sharing in the honours and preferments of his country, and that capacity ought not to be taken from him, but by way of punishment for some very high crime or misdemeanour; for it is a punishment so dishonourable and severe, that we never find it inflicted by our laws upon crimes of an ordinary nature.

I shall grant, Sir, that a minister of the established church is not, by any express words in this act, ordered or compelled to administer the sacrament to an unworthy person, who desires it only for the sake of enabling himself to hold a beneficial employment; but if a minister of the Church of England should refuse to administer the sacrament to any person, upon such occasion, and that person should by means of such refusal lose his post, or only a year's salary, he might bring his action at common law upon the statute of king Edward 6, against such minister, and would recover great damages, if the court should not approve of the ministers' reason for refusing to administer the sacrament to the plaintiff: Whereas, before the receiving of the sacrament was made a qualification for a civil employment, no such plaintiff could have recovered any considerable damage; nay, I doubt if he could have recovered any damage at all; for he could not probably have proved any temporal damage by his not receiving the sacrament when he desired it; and I do not see how a jury could pretend to put a value upon the spiritual damage he might pretend to have received. Those laws therefore, which have made the receiving the sacrament a qualification for a civil employment, have subjected all the clergymen of the church of England to a very great difficulty; because they are by those laws, and by those only, subjected to the danger of having such damages given against them as may ruin them and their families for ever, in case they refuse to administer the sacrament to a person, whom they know to be a most profligate and impenitent sinner; for this a minister of our church may be fully convinced of, and yet it may be impossible for him to make the same appear to a jury.

To pretend, Sir, that if those incapacitating laws were repealed, the dissenters would combine closely together in all elections, and that these combinations would occasion terrible disturbances, is contradicted by experiences, is contradicted by experience in England as well as Scotland; for though many of the Dissenters in England do communicate sometimes with the Established Church, and in consequence thereof become candidates, from time to time, for almost every elective civil post in the kingdom; and though the Dissenters do generally join pretty unanimously upon such occasions, I believe more unanimously than they would do if these laws were repealed, yet we find it never produces any disturbances. And in Scotland, where the Dissenters from their established church are under no incapacitating laws, we find that the disputes about elections never produce any disturbances between the two religious parties in that kingdom; although it must be granted that the people of that country are as violent in all their desires, as bold and enterprising in their designs, and as turbulent under disappointments, as the people in any country, I believe, upon the face of the earth. We must therefore from experience conclude, that the repeal of those persecuting laws, which to our misfortune, are still in force in this kingdom, would confirm rather than disturb our present tranquillity; and it would certainly increase our trade, because it is not to be questioned but that a great

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many more rich foreign merchants would come over and settle among us, if they could enjoy all the privileges of Englishmen without changing their religion: whereas, while those laws remain unrepealed, a few foreign tradesmen and mechanics may perhaps come over; but rich and opulent foreign merchants will neither come nor stay to settle their families in this kingdom, when they consider that neither they nor their posterity can aspire to any honour or preferment unless they make a sacrifice of the religion of their ancestors.

The debate being over, the question was put, and upon a division, it was carried in the negative by 251 against 123.

PROCEEDINGS IN THE COMMONS RELATING TO THE SPIRITUOUS LIQUOR BILL.] March 17. The House being in a grand committee on the supply, sir Robert Walpole acquainted the House, That the share the Civil List only had in the duties on Spirituous Liquors, had for several years last past amounted to at least 70,000*l.* yearly, one year with another; and as a great part of this annuity would be lost to the crown, it was necessary to make it good from some other fund; therefore he proposed appropriating all the duties on Spirituous Liquors to the aggregate fund, which makes a part of the Sinking Fund, and charging that Fund with all the annuities and payments formerly payable out of those duties.

But this was opposed by several Members, who strongly insisted, That the Civil List instead of being a loser would be a gainer by lessening the consumption of spirits, because the consumption of beer and ale, and of wine, and the produce of the duties on wine-licences, &c. would be thereby greatly increased; so that the loss the crown might sustain by lessening the produce of the duties upon Spirituous Liquors, would be much more than made good by the increase of almost all the other revenues appropriated to the Civil List; particularly that upon beer and ale.

To this the Courtiers answered, That there might probably be an increase in the excise upon beer and ale; but as what the amount of that increase might be, was uncertain, and as the amount of the loss the crown was to sustain was certain, therefore that loss ought then to be made good out of some certain produce; and if there did really happen any increase in the excise upon beer and ale, they might call for an account of it in two or three years after, in order that the same might be appropriated to the Aggregate Fund, for making good what was proposed to be taken from that fund.

After this the two following Resolutions were agreed to without a division. 1. "That the duty and revenues which shall arise by licenses for vending brandy or spirits, as also the present duties on low wines, strong-waters, brandy, rum, arrack, and all other spirits whether foreign or British, and such duties as shall arise by detailing the same, be united to, and made part of the general or aggregate fund established by the act of the 1st of King George I, and be issued and applied to the uses to which the said fund is, or shall be made applicable. 2. That all the several annuities, payments, and appropriations, which are now charged upon, and payable out of the said several duties on strong-waters, brandy, rum, arrack, or any other spirits, be charged upon, and made payable out of the said aggregate fund."

March 29. Sir Joseph Jekyll presented to the House, according to order, 'A Bill for laying a Duty upon the Retailers of Spirituous Liquors, and for licensing the Retailers thereof:' And the same being received, sir Robert Walpole stood up, and by his Majesty's command acquainted the House, "That, as the alterations proposed to be made by that Bill in the duties charged upon all Spirituous Liquors, might, in a great degree, affect some parts of his Majesty's civil list revenues, arising from the same, his Majesty, for the sake of remedying so great an evil, as was intended by that Bill to be prevented, consented to accept any other revenue of equal value, to be settled and appropriated in lieu of his interest in the said duties."

The Bill was then read the first, and ordered to be read a second time: after which a motion was made, that the said Bill be printed; but the question being put, it was carried in the negative.

March 31. The said Bill was read a second time, and committed to a Committee of the whole House.

The same day, the Bill for limiting the number of officers in the House of Commons, was read a second time, and a motion being made for committing the same, and the question being put, it was carried in the negative by 224 to 177.

April 6. A Petition of the merchants and planters trading to and interested in the British sugar-colonies in America, was

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presented to the House, and read; setting forth, "That the resolutions which the House had come to for granting to his Majesty a duty of 20*s.* per gallon for all spirituous liquors sold by retail, and for the payment of the sum of 50*l.* yearly to his Majesty by every person retailing the same, would bring, as the Petitioners apprehended, unavoidable ruin on the sugar-colonies, though the evil complained of did not arise from the consumption of the commodities imported from the said colonies; and representing to the House a state of their case, with regard to the consumption of sugar, molasses and rum, as it would be affected by the Bill brought in upon the said resolutions; in full assurance, that the wisdom of the legislature would find means effectually to suppress the evils occasioned by the excessive use of spirituous liquors, without destroying the sugar-trade, upon which the subsistence of so many thousands of his Majesty's subjects depended; and therefore praying that the Petitioners might be heard by themselves, or their counsel, against so much of the said Bill, as they conceived might extend to their prejudice, or affect the British sugar-trade."

After the reading of this Petition, a motion was made, That the said Petition be referred to the consideration of the Committee of the whole House, to whom the said Bill was committed; and that the Petitioners be heard by themselves, or their counsel before the said Committee*; but it being alledged, that it was contrary to the method of proceeding in that House, to hear counsel or parties upon any Petition against a Money-Bill, the members, who had made and seconded the motion, desired that several Journals relating to the receiving Petitions against Money-Bills, might be read, viz. 1. The Journal of the House, June 10, in the 10th of king William. 2. The Journal of the House of April 15, in the 11th of king William. 3. The Journal of the House of May 5, in the 13th of king William. 4. The Journal of the House of April 3, in the 8th of king William. 5. The Journal of the House of April 7 following. 6. The Committee-book of the Committee of the whole House, in relation to the Proceedings of April 9, 1696. 7. The Journal of the House of May 9, in the 13th of king William. 8. The Journal of the House of March 20, in the 1st of queen Anne. These being accordingly read, the Members who were for the motion urged:

That with respect to those Money-Bills which were brought in for answering the current service of the ensuing year, there was some reason for not admitting Petitioners to be heard against them; because such services required an immediate supply; they could not be carried on without money, and they generally could not admit of any delay; therefore the public safety made it often necessary to pass such Bills with the utmost dispatch, and for that reason the House had laid it down as a rule not to admit Petitioners to be heard against them; but even in such cases the rule was not without exception, as appeared from the first of the above Journals, viz. June 10, in the 10th of king William, relating to several petitions of the bailiffs, wardens, and commonalty of the occupation, art, and mystery of weavers, within the city of London, and of the wardens and assistants of the company of worsted weavers in the city of Norwich, and to the several orders of the House thereupon; and to the order of the House for referring the consideration of the Petition of the East-India Company to the Committee of the whole House, to whom the Bill for raising a sum not exceeding two millions, for settling a perpetual fund or payment of certain annuities after the rate of 8*l.* per cent. per annum for every 100*l.* and for farther advantage therein mentioned, redeemable by Parliament, was committed, and for hearing the said Company by their counsel upon the said Bill before the said Committee; where the Petitioners were admitted to be heard against that Bill, notwithstanding the great sum that was thereby to be raised, and notwithstanding the greatest part of that sum was designed, and was absolutely necessary for the support of our civil government, and of our land and sea-services,

* "The West-India merchants were a body of people that of all others the minister had the least inclination to imbroil himself with. They generally concerned themselves very little with politics, but stuck to the party which they thought were most in their own interest. The present was an alarming step to them; and many of them being members, a very smart struggle was made that the said petition should be referred to the consideration of the whole House, to whom the bill was committed; and that the petitioners, if they thought fit, should be heard by themselves or their council before the committee, according to the prayer of their petition. But the minister had now resolved upon this measure, and it had gone too far to admit a farther debate." Tindal.

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as appeared by the clause of appropriation contained in that act; and considering the precarious situation the affairs of Europe were then in, it could not be denied but that the demands for those services were then as pressing, and required as much dispatch as could almost at any one time be supposed.

That with respect to the Bill then before them, it could not properly be called a Money-Bill: there were, it was true, some taxes to be imposed by the Bill, but those taxes were not designed as supplies for answering the current service of the year; they were designed only for putting an end to an abuse which had lately crept in among our people, and therefore the rule for not admitting petitioners to be heard against a Money-Bill, could in no manner of way be applied to the Bill then before them.

That with respect to any trade in which the subjects of this nation had no rival, the legislature might pretty freely make such regulations as they had a mind, but with respect to any trade in which our subjects were rivalled by foreign powers, we ought to be extremely cautious in making any new regulation; because in such a case the smallest discouragement might give foreigners such an advantage over us, as might enable them to turn us entirely out of the trade; which might very probably be the case with respect to the sugar-trade; for in that trade it was well known we had a most powerful and a most dangerous rival; and for us to make a new regulation which might affect that trade, without so much as hearing what our own subjects, who were engaged in the trade, had to say against such regulation, was shewing such a disregard to the subjects, and to the trade and commerce of Great Britain, as they hoped would never in any case be shewn by that House.

To this it was answered by the courtiers, That every bill by which any tax was levied upon the subject was a money-bill, and had always been understood as such by that House; and therefore the bill then before them was as much a money-bill as any other. That with respect to the rule of not hearing petitioners against such Bills, it must be supposed to have had a beginning, as all such rules have; and therefore before that rule came to be fully established as a rule for directing the future proceedings of that House, many precedents might be quoted against the observing of that rule, because it was from those very precedents that the rule took its rise: it had been observed, that as soon as any Bill was brought in for laying a tax or duty upon any sort of goods, the dealers in such goods always petitioned, and desired to be heard by themselves or their counsel against the Bill, and always under a pretence, that the passing of such a Bill would injure the trade of the nation; yet upon hearing what they had to say, it was generally found, that all their arguments proceeded from private views, or that they had nothing to offer but what had been before under the consideration of the House; so that it almost always appeared, that the hearing of such petitioners by themselves or their counsel, was taking up a great deal of the time of the House to no purpose: for this reason the House came at last to establish it as a rule not to be departed from, not to admit petitioners to be heard by themselves or their counsel against any such Bill; which rule had then been inviolably observed for many years, and the reason for observing it was as strong with respect to the Bill then before them, as with respect to any other.

That they ought, without doubt, to be extremely cautious in making any regulation which might discourage our sugar-trade, or our sugar-colonies, but neither that trade nor any of those colonies could be of any weight, when put in the balance against the health and the happiness of the people of Great Britain; and if, for the preservation of the health and the morals of the people of Great Britain they found themselves under a necessity of making a regulation which might lessen the consumption of sugar among the people of this island, they must fall upon some way of giving an encouragement to that trade with respect to foreign markets, which would be a greater advantage to the nation, and would prevent the ruin of our own people. But that for this purpose they had no occasion for hearing the petitioners by themselves or their counsel; because as every one of them had a representative in that House, they might communicate their thoughts upon that subject to their several representatives, by which means the House would be as fully informed of what they had to say, as if they were to be heard by themselves or their counsel at the bar; and therefore, as the granting them any such hearing would be taking up the time of the House to no purpose, they could not but be against it.

The question was then put upon the

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motion, and carried in the negative without a division: whereupon the Petition was ordered to lie upon the table.

Immediately after this, a Petition of the master, wardens, assistants, and commonalty of the society of merchants adventurers within the city of Bristol, under their common seal, was presented to the House and read; setting forth, "That the Bill then depending before the House, to lay a duty of 20*s.* a gallon on all spirituous liquors sold by retail, and a sum of 50*l.* yearly to be paid by every retailer of the same, would, if enacted, be destructive to the petitioners, and many thousands more of his Majesty's subjects, as well in the sugar-colonies, as in the adjacent parts of the said city; and therefore imploring the House to consider the great loss, which must immediately thereafter ensue to the revenue, navigation, traders and others concerned in sugar and rum, and what advantage foreigners might make thereof; and to afford such relief therein, as to the House should seem meet; for that in their humble opinion, a proper relief might be granted to them, without preventing the evil complained of in the Bill from being effectually suppressed."

This Petition was likewise ordered to lie upon the table.

April 8. A Petition of the merchants and owners of ships trading from the port of Liverpool to and from the British sugar colonies in America, was presented to the House, and read; setting forth, "That the greatest and principal branch of their trade consisted in the exportation of manufactures, the produce of Great Britain, to our colonies in America, and bringing Muscavado sugars in return for the same, three fourth parts of which sugars, could not be consumed without being first refined, and two fifth parts when refined were drawn into Molosses, whereof near two thirds were distilled into spirits; and that if the Bill brought in upon several resolutions of the House, in order to lay a duty of 20*s.* a gallon upon all kinds of spirituous liquors retailed within this kingdom, rum from his Majesty's plantations not excepted, should pass into a law, the greatest consumption of refined sugars would be entirely lost, and rum, which is near a fourth part in value of the produce of our sugar-colonies, would also be rendered of little or no value, and two thirds of the Molosses produced from refined sugars, must become useless, to the inevitable ruin of our sugar plantations, and destruction of the two most valuable branches of our foreign trade, to the British Colonies and the coast of Africa; and therefore expressing their hope, that the legislature would not hazard so beneficial a trade, to cure an evil, that never would have happened from rum, or any other liquor of that value, but would be able to find means effectually to suppress the same, without extending such means to any of the liquors that were distilled from the produce of our own plantations; and praying that the House would be pleased to take their case into consideration, and give such relief therein, as the House should find most meet."

This Petition was likewise ordered to lie upon the table.

April 9. The order of the House being read, for the House to resolve itself into a Committee of the whole House, to consider farther of the said Bill, it was ordered, "That it be an instruction to the said Committee that they have power to receive a clause for enabling such persons as had exercised the business of distillation for a time to be limited, or had served, or were then bound as apprentices to such business to follow any other trade or business in any city, town, or place, in England."

After this, the House resolved into the said Committee, but when they came to that clause by which it was enacted, 'That 'the duties and revenues which should 'arise by licences for vending brandy, or 'spirits, as also the present duties on low 'wines, strong waters, brandy, rum, ar-'rack, and all other spirits whether fo-'reign or British, and such duties as should 'arise by retailing the same, as should from 'and after the 29th of September 1736, 'be united to, and made part of the ge-'neral or aggregate fund established by 'the act of the first year of the reign of 'his late Majesty king George 1, and 'should be issued and applied to the uses 'to which the said fund was, or should be 'made applicable.'

The same was opposed by several members, as being unnecessary, because, though the produce of those duties was appropriated to the payment of several annuities and other particular uses, and though that produce might perhaps be less in time to come than it had been for some years past, yet they did not believe that by the regulation made by that Bill, the produce of those duties would be so much reduced as to be under what it was when those

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appropriations were made; and if that should be the case, any small deficiency that might happen, might be provided for by next session of parliament, when the amount of that deficiency would be ascertained; but it being insisted on, That the future produce of those duties could not near answer the ends to which it was appropriated, and that it was absolutely necessary for the sake of public credit to grant a new fund to the creditors of the public, by the same Bill by which they took away or diminished their old, the clause was agreed to without a division.

Then the next Clause was read, as follows, 'And whereas the said duties upon 'low wines, strong waters, brandy, rum, 'arrack, and all other spirits whether foreign or British, are amongst other duties 'and revenues charged with, and liable, 'to pay several sums of money, as well 'for the support of his Majesty's houshold 'and family, and the honour and dignity of 'the crown, as for payment of annuities 'and other payments to several corporations, and to other persons intitled thereunto; and it may so happen, that by 'making the alterations aforesaid in the 'said duties, the funds charged with the 'payments aforesaid may prove deficient; 'and whereas by a medium of eight years, 'computed from the time of his Majesty's 'happy accession to the throne to Midsummer last past, the sum of is 'taken to be the medium of the annual 'produce of what has been applied of the 'duties aforesaid to the service of his Majesty's houshold and family: to the end 'therefore, that neither his Majesty, 'nor any other person or persons, bodies 'politic or corporate, who is or are intitled 'to any part, share, or interest, in the 'money arising by the said duties, may 'be losers, or receive any prejudice by 'the alterations aforesaid, be it enacted 'by the authority aforesaid, That from 'and after the said 29th day of September, 1736, there shall be paid to 'his Majesty during his natural life, '(which God long preserve) out of the 'monies of the said general or aggregate 'fund, the sum of per ann. 'being the aforesaid medium of what has 'been annually applied of the duties aforesaid, towards the service of his Majesty's 'houshold and family, and other his expences and occasions, from his happy accession to the throne to Midsummer last 'past.'

After which a motion was made by some of the members concerned in the drawing up of this Bill, to fill up the blank with the sum of 70,000*l.* that sum, as they said, being the medium of what had been annually applied of the aforesaid duties towards the civil list, from his Majesty's happy accession to the throne, to Midsummer last past: whereupon the members who opposed the former clause declared, that they were likewise against this whole clause, and that they would afterwards take the liberty to give their reasons; but as it was necessary in point of form, to fill up the blank before any thing could be said either for or against the clause, therefore they would propose that the blank should be filled with the sum of 43,000*l.* which being the lesser sum, the question was of course to be first put for filling up the blank with this lesser sum, and as this was opposed by the gentlemen who had proposed the sum of 70,000*l.* it brought on a long debate, in which the chief Arguments in favour of the lesser sum were as follows:

Sir; I am of opinion that the Civil List cannot be any loser by diminishing the consumption of spirituous liquors, because, whatever may be thereby lost to the Civil List, will be much more than good by the increase of the consumption of other liquors, of the duties upon which the Civil List has a much larger share than it has of those duties payable upon spirituous liquors; therefore whatever sum this blank may be filled up with, I must look upon every shilling of it, not as a compensation, but as a new addition to the Civil List revenue, and since I do not think that the crown has occasion for any new addition to that revenue, I must look upon this whole sum as a real loss to the people; I must look upon the whole, Sir, as a sort of purchase money we are to pay for the Bill now before us: and since we must pay a price for preserving the health and morals of the people, surely if we are good merchants, if we are honest trustees for the people, we should endeavour to bring down that price as much as we can. But supposing, Sir, that the loss the Civil List may sustain by diminishing the consumption of spirituous liquors, were not to be made good by the increase which that diminution will naturally produce in some of the other branches of that revenue; the yearly sum to be given to the Civil List in lieu of that loss, ought not to be calculated from a medium of eight years after his Majesty's happy accession to the throne, but from a medium

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of eight years immediately preceding his Majesty's happy accession to the throne; for when the parliament, which established the present Civil List, were considering what duties would be sufficient for raising that Revenue, which they thought was necessary for supporting his Majesty's houshold and family, they could not have under their consideration the produce of those duties in time to come; and much less could they have under their consideration an increase which might arise by an abuse, so as to put it out of the power of parliament to rectify that abuse, without making good to the civil list the increased revenue it had acquired by that abuse: they could have nothing under their consideration but the produce of those duties for years past, and for this reason the clause, now before us, ought to have been drawn up in a quite different manner from what it is; or at least it ought to have been left to the committee to determine, whether they would take the eight years before, or the eight years after his Majesty's accession; in which case it ought to have been in these terms: 'And whereas 'by a medium of years computed 'from to the the sum of 'is taken to be the medium of the annual 'produce of that part of the duties aforesaid, 'appropriated to the service of his Majesty's 'household and family.'

This, Sir, was in my opinion, the only proper and regular method in which this clause could have been brought in: if it had been brought in according to this method, the committee, where only it is proper to determine such things, would have been left at full liberty to chuse the medium of any number of years after or the medium of any number of years before his Majesty's accession; and if we had chose the medium of eight years before his Majesty's accession, which we certainly ought to have done, the medium would not have amounted to the sum now under our consideration; because the abuse with respect to the consumption of home made spirits was not near so great in the eight years preceding his Majesty's accession, as it has been in the eight years since; and every one knows how greatly the produce of the duties upon foreign spirits increased after that miraculous tide which opened the port of Dunkirk, and which brought in upon us an inundation of French Brandies under the name of Flemish; insomuch that in the year 1723, which was the year after that prodigious tide, and but two years after a very remarkable change in our administration, the duties on foreign brandies and spirits amounted to above 70,000*l.* whereas in the year 1721, they did not amount to 25,000*l.* and we likewise know, that, since his Majesty's accession, this inundation has rather increased than diminished.

But again, Sir, supposing we were to take this matter in the best light we can for the crown, and in the worst light for the people: Supposing that we ought to calculate the loss which the civil list may sustain, by diminishing the consumption of spirituous liquors, from a medium of eight years to be computed from the time of his Majesty's happy accession to the throne to Midsummer last: yet surely the extraordinary increase that happened in the duties upon foreign brandies and spirits in the year 1733, ought not to be brought into that calculation; for in that year, we may remember we reassumed our desire to encourage our own distillery, and for that reason French brandies being wanted, as was pretended, to mix up with and rectify our own spirits, as well as for the love and esteem we bore the French, a law was passed, for lowering the duties upon French brandies, and for making all foreign brandies pay an equal duty with them: This of course gave the alarm to our old friends at Dunkirk, who foresaw that they could no longer import French brandies upon us under the name of Flemish, and therefore, before that act took place, they brought in such large quanties of brandy, that the duties on foreign brandies and spirits, for that year only, amounted to near 318,000*l.* which was near 200,000*l.* more than was usual in any one year; yet this extraordinary and casual produce seems now intended to be brought in, for magnifying the loss which the civil list may sustain by diminishing the consumption of spirituous liquors, and for increasing the sum, with which the people are to be loaded for making good that pretended loss. I say pretended loss, Sir, because I am convinced the whole will appear to be so, and therefore I am now for filling up the blank with the sum I have here proposed; but when the question comes to be put upon the clause in general, I shall give my negative to the whole, and for that reason I shall give myself very little concern about the sum with which it is now to be filled up.

To this it was answered as follows:

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Sir; I shall not take up your time with endeavouring to shew, that the loss which the crown may sustain, by lessening the consumption of spirituous liquors, cannot be made good by the increase that must thereby be occasioned in the consumption of other liquors; because I do not take it to be the question now before us: It is evident from the accounts upon our table, that his Majesty's share of the duties upon spirituous liquors has for these eight years last past amounted yearly to about 70,000*l.* one year with another, therefore if the whole of these duties be for the future appropriated and made payable to the aggregate fund, it is evident, and I think admitted on both sides, that his Majesty will by such appropriations lose a yearly revenue of 70,000*l.* which he has enjoyed ever since his happy accession to the throne; and that that loss ought to be made good to his Majesty is a question that seems to me to have been already determined by this House, when we agreed to those resolutions upon which this Bill was founded: Therefore the only question now before us, is, to determine how much his Majesty will really lose, in order that the same may be for the future made good to his Majesty, out of that fund to which we have already appropriated those duties, which formerly belonged to his Majesty's civil list. This, in my opinion, is no more than doing that justice to his Majesty, which every man in a private capacity would in such a case most reasonably expect from another: If I surrender a part of my estate to my neighbour for his conveniency, it is but reasonable he should make good to me the damage I may sustain by such surrender. Whether the loss his Majesty will most certainly sustain, by taking from him those duties which formerly belonged to him, may be made good by the increase of some of the other duties appropriated to the civil list, is a question of a different nature: I am certain it cannot now be determined whether there be any such increase or not; and if any such increase should hereafter appear, then it will be time enough to determine how that increase ought to be disposed of.

Now, Sir, with respect to the loss his Majesty may sustain, and the method by which the quantum of that loss is to be determined, it seems a little odd to me, that, in order to put a value upon a loss which his Majesty must sustain, by taking from him a revenue which he has enjoyed, gentlemen should propose to put a value upon that loss, by computing the produce of a revenue which his Majesty never enjoyed: This method of computation appears to me so very extraordinary, that I think I need only put it in its true light, in order to shew that it is a method we ought not to take. But it is said that when the parliament, which established the present civil list revenue, were considering what duties would be sufficient for raising the revenue, which they thought was necessary for supporting his Majesty's houshold and family, they could not have under their consideration the produce of those duties in time to come. In this, Sir, I happen to be of a very different opinion; for as they were considering what duties would be sufficient to raise a future revenue, I think they could consider only a future produce; and the method in which that revenue was established shews, that they had under their view only the future produce of those duties, which they appropriated to the raising of that revenue: They considered that 800,000*l.* a year was the least that was necessary for supporting his Majesty's houshold and family, and the honour and dignity of the crown of Great Britain: and therefore, if the future produce of those duties, which were then appropriated towards raising that sum yearly, should fall short, they obliged themselves to make it good: The yearly sum of 800,000*l.* I say, they reckoned the least that was necessary for the purposes intended; but then they considered, that even a large sum might be beneficially applied to the same purposes, and therefore, in case the future produce of those duties should amount to more than 800,000*l.* a year, those surplusses by them were likewise appropriated to the civil list, and his Majesty has as good a right to those surplusses, if any has arisen, or should arise, as he has to any part of the 800,000*l.* a year.

From this consideration, Sir, every gentleman must see, that, if by any new regulation we diminish the produce of any of those duties appropriated to the civil list, we are in justice to his Majesty obliged to make good the loss which the civil list may thereby sustain: for I hope the parliament of Great Britain will never act so childish a part as to make a grant in one year, and to take back that grant, or any part of that grant in the next: we may be obliged, for the sake of the public good, to make some alterations in the grants we have made, or may hereafter make: but it is to be hoped

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we never shall make any such alterations without the consent of all those interested therein, or without making good the loss they may sustain. The grant of the civil list, as it now stands established, I must look upon in the same way as if one gentleman, for favour and affection, or some other consideration, should make a grant or a present to another of a ticket in the present lottery; with this condition, that if it came up a blank, he would give him 5*l.* in lieu thereof, but if it came up a large prize, the whole should belong to the grantee. Now if, after such a grant made in the most solemn manner, the ticket should come up a great prize, I should think the granter both very childish and very unjust, if he insisted upon having any share in that prize, or upon taking any part of it from the grantee, without giving him an adequate consideration. We are not now to enquire whether the duties granted to the civil list produce more than 800,000*l.* a year, or not; but if they do really produce more, that surplus is a sort of prize we have already granted to his Majesty, and we neither can nor ought to take any part of that surplus from him, or to make any alteration by which that surplus may be diminished, without making good the loss in some other way; and that loss ought certainly to be computed from the produce of the grant since it was made, for before the grant was made, there could be no such produce.

Having now, Sir, shewn that it would be a most preposterous method of computation, to compute the loss his Majesty may sustain, from the medium of the produce of any number of years before his accession, I think, I need not take any notice of those alterations which happened in the duties upon spirituous liquors, or any other duties, before that happy period; but give me leave to take some notice of that alteration or increase, which happened in the year 1733, with respect to the duties on foreign brandies and spirits; and give me leave to say, that from the very nature of that increase, it appears to me evident that it ought to be taken into the calculation, in order to increase the medium of the produce of the eight years since his Majesty's accession; because the large quantities of Flemish and Dutch brandies, that were then imported, were not all brought hither to be consumed within that year, there having been in that year no greater consumption, I believe, of such liquors than in former years. No, Sir, they were imported, in order to avoid paying that high duty which was soon after to take place, and were to be lodged here as a stock in hand, in order to supply the consumption for several years then to come, therefore we must suppose that that stock, which was then thrown in upon us, has lessened the importation of such liquors, and consequently the produce of the duties upon them ever since; so that to exclude that increase from our present computation, would be doing a manifest injury to his Majesty, because it would be taking from him the advantage which appears upon one side of the account, without making any allowance for the loss, with which that advantage is balanced upon the other side of the account.

From these considerations, Sir, I am convinced that 70,000*l.* is the least sum the crown can lose, by taking from the Civil List that share it formerly had of the duties on Spirituous Liquors; therefore I shall give my negative to the present question, in order that the question may be next put for filling up the blank in this clause with the sum of 70,000*l.* to which I shall most heartily give my affirmative.

To this it was replied by the Members who were for granting only 43,000*l.* for the said Deficiency, as follows:

Sir; Though the proper question now before us be not, whether the civil list may be a loser or a gainer by diminishing the consumption of spirituous liquors, yet we find from what has been said on both sides, that it is impossible to argue upon the present question, without touching a little what belongs to the other; and when we do come to the other, I hope to make it as plain as figures can make it, that without any allowance from the aggregate fund, as is proposed by this clause, the civil list will be a gainer by the diminution, or rather prohibition of the use of spirituous liquors by retail. But in considering this question we ought to distinguish most accurately what the gentlemen of the other side seem most industriously to confound: we ought to distinguish between this question, Whether the civil list will be a loser by taking from it the share it formerly had in the duties upon spirituous liquors? And the other question, Whether the civil list, will, upon the whole, be a loser by diminishing the consumption of spirituous liquors?

With regard to the first of these questions, Sir, it is what we have nothing to

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do with; for no man ever doubted, but that the civil list will be a loser by taking from it that share of the duties on spirituous liquors, which formerly belonged to it. But with regard to the other question, If the loss the civil list may sustain by diminishing the consumption of spirituous liquors, or even by taking from it the share it had formerly in the duties upon such liquors, if this loss, I say, be made good to the civil list, by the increase that will thereby be occasioned in its share of the duties upon beer and ale and all other sorts of liquors, we are then bound, either in justice or honour, to make that loss a second time good to the civil list, out of that fund which is appropriated to the payment of our debts, and to the relief of our people from the heavy taxes they groan under? I say, No, Sir; both honour and justice are, in my opinion, staked upon the other side of the question, and I hope this House will always be upon that side, where they are at stake.

It is true, Sir, that by the present establishment of the civil-list there are a great many duties appropriated towards the raising of that revenue, with the proviso, that if they do not produce 800,000*l.* yearly, if there happens a deficiency, we are to make it good; but if there happens an increase or surplus, the whole shall belong to his Majesty. This, I grant, is the present establishment of that revenue, but this day's debate shews us the inconvenience of making such establishments; and I am very sure, that neither his Majesty nor the parliament ever thought, or ever intended that any of those surplusses should be increased by any thing that might tend to the destruction of the people in general; nor was it ever intended that the parliament should not have it in its power to prevent, or to put a stop to a pernicious consumption, without making good to the civil list the surplus that had arisen from that very pernicious consumption. It may as well be pretended, that if the plague should spread itself over Spain and Portugal, we could not prohibit commerce with them, or prevent the importation of their wines, without making good to the civil list its share in the duties upon those wines, at a medium to be computed for eight years past: whereas in such a case, I believe, it will be granted, that the highest obligation we could lie under, would be to make the civil list good 800,000*l.* a year, in case the produce of the other duties appropriated for that purpose should fall short of that sum.

But, Sir, the case now under our consideration stands in a much stronger light; for if all the duties appropriated to the civil list now produce a million sterling yearly, the regulation we are to make, though it may intirely take away one branch of that revenue, or very much diminish it, yet it will increase some of the others so much, that altogether they will still produce at least a million yearly; and the utmost that can be pretended is, that the parliament shall not by any new regulation diminish the general produce, or general surplus of the civil list revenue, as it stands at present, or may stand at any future period of time. Nay, even with respect to this general produce of the whole duties appropriated to the civil list, we ought to distinguish between those regulations, which may proceed from accidental misfortunes or the nature of things, and those regulations which may proceed merely from the will and authority of parliament; because his Majesty's unaccountable right to this general produce must remain subject to the former, though perhaps not to the latter: if the parliament should discharge or give up any of the duties now appropriated to the civil list, or apply them to some other use, it might perhaps be said that we should be obliged to make the loss good to his Majesty, even though it should be made appear, that the remaining duties would produce more than 800,000*l.* a year: this, I say, might be said, though I am far from thinking so; but if a war, or a plague, or any such misfortune should oblige us to make a regulation, by which the produce of any one of the duties now appropriated to the civil list should be intirely annihilated or very much diminished, I am sure it could not be said, that we should be obliged to make the loss good to the civil list, as long as the remaining duties produced the full sum of 800,000*l.* a year; and the reason is plain, because this was a misfortune incident to the duty when granted, and therefore the grant of that duty must still remain liable to this misfortune.

Now, Sir, in the present case, if instead of the high duties by this Bill proposed, we had made a severe law against drunkenness, and had inflicted high penalties upon all those who should have got drunk, or should have allowed any person to get drunk in any of their houses, after Michaelmas next; and had by such means put an effectual stop to that pernicious practice of drinking to excess, would not such a salutary law have much diminished the produce of most

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of those duties appropriated to the civil list? In which case I would gladly ask the gentlemen of the other side of the question, if they would, or could with any reason have insisted, that we were obliged to make the loss good to his Majesty, even though the remaining produce should still have amounted to above 800,000*l.* a year? and again I would ask them, wherein the difference lies between a law for prohibiting drunkenness, and a law for laying such high duties upon liquors, as to prevent its being in the power of most men to purchase a quantity sufficient for making them drunk.

I shall agree with the honourable gentleman, Sir, that if I surrender a part of my estate to my neighbour for his conveniency, it is most reasonable he should make good to me the damage I may sustain by such surrender: but how is this applicable to the present case? We do not desire any surrender, we desire that the duties may stand appropriated as they are at present; and we insist upon it, that no damage can happen to his Majesty by what we propose: it is the gentlemen of the other side of the question who insist upon making a surrender, and though they know they can sustain no damage by that surrender, yet they insist upon our paying them what price they please to set upon it. We have indeed given a lottery ticket, and I believe that ticket has proved to be a benefit ticket: we do not desire to take away any part of that benefit; but we find, that the very fund from which that benefit is to arise, is in danger; and we only desire, that those to whom we gave this benefit ticket would join with us in measures for preserving that fund: this is but reasonable; and since this can no way diminish the benefit they are entitled to, it is not reasonable they should insist upon our giving them another benefit ticket for joining with us in a measure, which appears to be necessary for our mutual preservation.

From what I have said, Sir, I think it is evident, that although the Civil List were to suffer by diminishing the consumption of spirituous liquors, we are not obliged to make good the loss; but as the blank in the clause now before us must be filled up with some one sum or another, I shall now consider what has been said with respect to the method of calculating the sum with which that blank is to be filled up; and as upon the present occasion the establishment of the civil list has been represented to us as a grant from the parliament to the crown, which ought not to be touched or in the least diminished, even for the safety and preservation of the people, I must take notice of one rule observed by all courts of equity in the world, and that is, to explain the doubtful meaning of a grant, by that which may be presumed to have been the meaning of the grantor at the time the grant was made. Suppose then, Sir, we had had at that time a prophet amongst us, and that prophet had informed the parliament, that in a few years after, the duties on spirituous liquors would increase considerably, and that our people would begin to drink so excessively of such liquors, that for the preservation of the people it would become necessary to put a stop to that excess: suppose, that upon such information a question had arisen in that Parliament, for obliging any future parliament that might find it necessary to put a stop to that excess, to make good to the civil list its share in those duties according to the value it should arise to by that excess, and according to a computation to be made at the very time when that excess was to be at its highest pitch. Can we imagine that such a question would have met with any reception in that parliament, or in any parliament? And if we cannot suppose it would, can we presume, that that parliament meant or intended to give his Majesty such an indelible right to the increase, that might happen by the extravagance of the people in any of those duties then appropriated to the civil list, that it should not be in the power of any future parliament to put a stop to the extravagance of the people, without making good to his Majesty's civil list the increase that had arisen by that extravagance?

To illustrate this matter still a little more clearly, suppose, Sir, that parliament which established the civil list had laid a duty upon Laudanum, and had appropriated that duty to the civil list: suppose that in a few years after, the use of Laudanum should have become more general and more excessive in this nation than ever it was in Turkey, insomuch that multitudes of our people should have been every day found in the streets murdered by the excessive use of that poison; and that by this general and excessive consumption the duties upon it should have occasioned a vast increase in his Majesty's civil list revenue, will any gentleman pretend, that the parliament could not make any regulation for preventing the abuse of that

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poison, without making good to his Majesty the increase in the civil list revenue, that had been occasioned by that abuse? is not this the very case with respect to spirituous liquors? therefore I am surprised to hear it said, that we cannot put a stop to, or prevent the abuse of such liquors, without making good to his Majesty the increase in the Civil List revenue that has been occasioned by that very abuse?

Thus, Sir, I think I have fully shewn what could not be the meaning or intention of the Parliament, when they granted to his Majesty the whole produce of those duties they appropriated to the Civil List; but now let us inquire a little what may be presumed to have been their intention: for my own part, I believe the only meaning or intention they had, was a good natured one, to give his Majesty's ministers a little more latitude in the disposal of the civil list revenue, and to prevent their being put to the trouble of laying the accounts of that revenue yearly before parliament. But suppose they meant to grant his Majesty a right to the whole produce of those duties, as it then stood according to the calculations they had made, which is the utmost that can be supposed they meant; upon this supposition, in order to know what his Majesty has a right to by that grant, we must examine into the calculations they may have been supposed to have made for ascertaining, or at least guessing at, the value of what they were about to grant. In this case we are told, that as they were considering what duties would be sufficient to raise a future revenue, they could have under their consideration only a future produce. I am sorry, Sir, to hear such a manner of arguing in a matter of such consequence: for the raising of a future revenue to be sure a future produce must be applied, but when people are considering and calculating what the amount of that future produce may be, and whether it will be sufficient to raise such a future revenue, surely their calculations must be founded upon their experience of what is past, or upon their knowledge of what is then present: if it is a new duty, they found their calculations on what is then supposed to be the quantity or the value of the goods, made liable to that new duty; and if it is an old duty, they always consider the produce of that duty for such a number of years past, and from thence calculate what it may produce in time to come; therefore we cannot suppose that the parliament which established the civil list, granted, or intended to grant, any more than a share of the produce of the duties upon Spirituous liquors, at a medium calculated for seven or eight years before his Majesty's accession; and for this reason supposing that we are obliged to make that grant good to his Majesty, which I am far from thinking, the sum we are now to give to the civil list for making that grant good, ought to be taken from a medium calculated for seven or eight years before his Majesty's accession, and not from a medium since his Majesty's accession, which has been greatly increased by the very abuse we are now about to rectify.

It has likewise been said, Sir, that it seems a little odd, for gentlemen to propose putting a value upon the loss his Majesty may sustain by taking from him a revenue which he has enjoyed, by computing the produce of a revenue he never enjoyed. Surely every gentleman must see the fallacy of this argument: We do not desire to take any revenue from his Majesty, and therefore we are not to compute the loss he may sustain by the taking of any revenue from him; but if any revenue be taken from him, the parliament we say is obliged to make it good only according to that value which was put upon it by the parliament that granted it, and not according to the increased value it may since have arisen to, by an abuse which ought, long before this time, to have been effectually prevented.

With respect, Sir, to the great increase of foreign brandies and spirits, that happened in the year 1733, by the great importation of French brandies under the name of Flemish, I shall readily grant that they were not imported for immediate consumption, but in order to remain, and be kept here as a stock in hand; nay, I must go farther, I must suppose, that all or most of them still remain here as a stock in hand; I cannot suppose that any great quantity of them has yet been consumed, because the duties upon foreign brandies have been as high in the year 1734, and 1735, as they were in any two years before 1733. And the reason of this may be easily assigned; for as the merchants at Dunkirk were obliged to make their importations in 1733, in a great hurry, they had not time to send to Nantz and other places of France for old brandies, therefore they run in upon us all the new brandies they had in their cellars at Dunkirk; but as these new brandies could not be fit to

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be drank in the year 1734, or 1735, our consumption for the two years was supplied by new importations of old brandies from France: From whence we must reckon, that the great importation in the year 1733 has no ways lessened the duties upon foreign brandies or spirits for these last two years, but may very probably do so for two or three years to come; and therefore we must grant, that to include the increase of those duties in the year 1733 in our present computation, is reckoning all the advantage, which happened by that casual importation, to the account of the civil list, in order to bring a double loss upon the Sinking Fund; for that sacred fund is to be charged with near 4,000*l.* a year, during his Majesty's life, more than it would have been charged with, if no such extraordinary importation had ever happened; and by that extraordinary importation, and the decrease in the duties on foreign brandies, which must thereby be occasioned for several years to come, that fund to which those duties are now to be appropriated must lose a very considerable sum.

Then the question being put for filling up the Blank with the sum of 43,000*l.* it was upon a division carried in the negative, by 211 to 109; and then the question being put for filling up the blank with the sum of 70,000*l.* it was carried in the affirmative without a division.

April 14. The Amendments made by the Committee to the Bill relating to Spirituous Liquors were reported to the House, and read a first time, after which most of them were agreed to by the House, without any debate; but upon reading the Clause for giving 70,000*l.* to the Civil List, a proposition was made for altering that Clause, and for settling it in such a manner, that if the whole hereditary and temporary excise should, in any one year after that time, fall short of what it had produced upon a medium to be computed from his Majesty's accession to that time, that deficiency should be made good by the very next session of parliament. This occasioned a fresh debate, in which the arguments for the above proposition and against that Clause, were as follow:

Sir; By the Clause as it stands at present, we are to make a new grant to the civil list of 70,000*l.* a year during his Majesty's life: Now there can be but two reasons for our making this new grant: It must be either, because we suppose that the present amount of the civil list revenue will be diminished in a sum equal to 70,000*l.* a year, by the regulation we are about to make; or it must be because we suppose that the present amount of the civil list revenue, is not sufficient for supporting his Majesty's household and family, and that therefore we ought to grant an addition of 70,000*l.* a year to that revenue. These are the only two reasons that can be assigned, and if both of them appear to be without any foundation, we cannot surely agree to this clause as it now stands.

To suppose that the present amount of the Civil List revenue, will be diminished in a sum equal to 70,000*l.* by the regulation we are about to make, is contrary to fact and contrary to experience: for supposing the Civil List's share in the duties on spirituous liquors, upon a just computation, does amount to 70,000*l.* yearly, yet we may be convinced by experience, that the consumption of beer and ale will always increase in proportion as the consumption of spirituous liquors decreases; and as the Civil List has a much greater share of the duties on beer and ale, than it has of the duties on spirituous liquors, it is, in my opinion, certain, that the Civil List will get an increase of more than 70,000*l.* a year by that increase in the duties upon beer and ale, which will be occasioned by the regulation proposed by this Bill.

To confirm what I have said, Sir, let us look into the accounts that are upon our table, and from them we shall find, that the amount of the duties upon beer and ale has as constantly and regularly decreased, as the amount of the duties upon spirituous liquors has increased for these several years backwards. In the year ending at Midsummer 1725, the excise on beer and ale produced 1,094,953*l.* in the same year the duties on home-made spirits produced but 88,622*l.* From that time to Midsummer 1729, half a year before the late gin-act took place, the duties on home-made spirits gradually increased, and accordingly the excise on beer and ale gradually decreased, so that in the year ending at Midsummer 1729, the former produced 104,373*l.* whereas the latter produced but 963,763*l.* which was 131,190*l.* less than it produced in the year ending at Midsummer 1725.

In the year 1729, the late famous act against Geneva, and other compound spirits, was passed; and though that act was evaded by the sale of a new sort of

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spirit called 'Parliament-Brandy,' yet, ineffectual as it was, it diminished a little the consumption of spirituous liquors, and consequently the produce of the duties on such liquors; so that in the year ending at Midsummer 1732, they produced but 100,025*l.* which was 4,348*l.* less than they produced in 1729. But as to the excise upon beer and ale, what was the consequence? As soon as that act passed, that excise began to increase, so that in the year ended at Midsummer 1732, it produced 1,071,240*l.* which is 107,477*l.* more than it produced in 1729.

Again, Sir, upon the repeal of the late gin-act, the consumption of spirituous liquors began to increase, and consequently the produce of the duties on such liquors, so that in the year ended at Midsummer last they produced 154,094*l.* and the consequence with respect to the excise on beer and ale we find to be the same; for in the year ended at Midsummer last, it produced but 1,021,370*l.* which is 49,870*l.* less than it produced in 1732. From all which, Sir, I think it is as plain as figures can make it, that the consumption of beer and ale has hitherto always decreased or increased, as the consumption of spirituous liquors has increased or decreased; and as that has been the case in all time past, we must suppose it will be the case in all time to come.

This, then, being laid down as a maxim confirmed by experience, let us consider how greatly, I may almost say how entirely, the consumption, not only of home-made spirits, but of all spirits, will be diminished by the Bill now before us, and what an increase that will make in the consumption of beer and ale; but that I may not be accused of any extravagant calculations, I shall suppose that the consumption of spirituous liquors may hereafter be but one third less than it was before; the natural inference from thence is, that the consumption of beer and ale will be one third more than it was, and consequently that the excise on beer and ale will, from the time this bill takes place, produce about one third more yearly, than it produced in the year ended at Midsummer last, which is 340,456*l.* I shall farther suppose, that upon the consumption of spirituous liquors growing less by one third, the consumption of beer and ale should increase but one sixth more than it was before; even by this supposition there must be a yearly increase in the excise on beer and ale, of one sixth more than it produced in the year ended at Midsummer last, which is 170,228*l.* yearly; and as very near one half of the excise on beer and ale, stands appropriated to the Civil List, consequently one half of this increase in the excise on beer and ale, being 85,114*l.* yearly, must accrue to the Civil List, which is 15,114*l.* a year more than it can be supposed to lose, by taking from it the share it formerly had in the duties on spirituous liquors.

From these calculations, Sir, which are all taken from accounts lying upon your table, I think it is evident, even to a demonstration, that the present amount of the Civil List revenue will not be diminished: but on the contrary, that it will be a gainer at least 15,114*l.* by the regulation we are now about to make. I know it may be said, that these calculations are founded upon facts which are in their nature uncertain: and that, though they have formerly fallen out in the manner I have represented, we cannot be sure of their falling out in the same manner hereafter; yet I hope it will be granted, there is a strong probability of their falling out in the same manner hereafter, as they have done heretofore: the same causes generally produce the same effects; and unless we have really a mind to grant a new additional revenue to the Civil List, this probability ought to be a prevailing argument with us, at least, to agree to the proposition now made; for though it has been insinuated, that the Parliament may hereafter call for an account, and dispose of the increase that may arise in the excise on beer and ale, we know, and the case now in hand may convince us, how difficult it is for the Parliament to reassume any revenue, or any part of any revenue, that has been once granted to, and established as a part of the Civil-List. If it should hereafter appear, that the Civil-List has got 100,000*l.* a year, or perhaps 200,000*l.* a year, which may probably be the case, by the increase of the excise on beer and ale, occasioned by this Bill, I am very certain, if we agree to this clause as it now stands, the Parliament will never be able to lay hold of any part of that increase, in order to apply it to the aggregate fund, for making good the 70,000*l.* a year, to be taken from that fund by this clause; nay, I question much if any future Parliament will be able to reassume that 70,000*l.* a year, or to discharge the aggregate fund from the future payment of it, though it should then be made appear, that the excise had actually in-

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creased, as plainly as I have now made it appear, that it probably will.

This difficulty, Sir, may be prevented by our agreeing to the proposition now made to us; and by our settling the clause in the manner proposed, the civil list may be a gainer, but it is impossible it can be a loser, even with respect to the surplus it may now have above 800,000*l.* a year; which surplus, we have been told, the civil list has as good a right to, as it has to any part of the 800,000*l.* a year: but I widely differ from the honourable gentleman who told us so (Sir Robert Walpole) for if the duties appropriated to the civil list now produce a million yearly, and those duties should by any accident produce hereafter but 850,000*l.* yearly, the parliament, according to the present establishment of the civil list, would not be obliged to make good so much as one shilling of that decrease; whereas if they should hereafter produce but 750,000*l.* yearly, or any sum less than 800,000*l.* the parliament stands obliged to make good whatever they may produce yearly less than that 800,000*l.* so that there is at least this difference between the 800,000*l* establishment, and the 200,000*l.* surplus, that the parliament now stands obliged to make good the 800,000*l.* establishment, but does not now stand obliged to make good one shilling of the 200,000*l.* surplus; therefore it can by no means at present be said, that the Civil List has as good a right to the surplus, as it has to the establishment: but, Sir, if we agree to the proposition now made, the Civil List will then really have as good a right to the present surplus, whatever it may be, as it has to the establishment of 800,000*l.* yearly; for which reason, if this proposition be not agreed to, I must conclude, that the 70,000*l.* appropriated to the Civil List by the clause as it stands at present, is designed as a new additional revenue to the civil list, and not as a compensation for the loss it may sustain by the regulation we are about to make.

This, Sir, leads me naturally to the next and the only other reason that can be assigned or supposed, for our agreeing to the clause as it now stands, which is, because we suppose, that the present amount of the civil list revenue is not sufficient for supporting his Majesty's houshold and family, and that therefore we ought to grant an addition of 70,000*l.* a year to that revenue, during his Majesty's life at least, but I may say in all time to come; for I do not find an instance, where less has been granted to a successor, than had been formerly enjoyed by his ancestor.

Now, Sir, as to this reason, whatever the gentlemen, who are immediately concerned in the disposal of the civil list revenue, may suppose, I am very certain his Majesty does not suppose any such thing; because, if he had, he would certainly have communicated the same to his parliament either by a speech from the throne, or by a solemn message, and would have desired such an addition, as he thought necessary. There is no other way by which his Majesty can communicate any such want to his parliament; and until he does it in this manner, no gentleman as a member of this House, can suppose, nay, as a trustee for the people he is bound not to suppose, that his Majesty stands in need of any addition to his civil list revenue, or to any other revenue. This therefore can be no reason for us, as members of this House, to agree to the clause as it stands now before us; and I hope this House will never, without very strong and public reasons, take such a large sum of money from that fund which is apppropriated for the payment of our debts, and for freeing the people from that heavy load of taxes they now groan under.

To this it was answered by the Courtiers as follows:

Sir; The question now before us, has been already so fully debated, and set in so clear a light, that I am surprized to hear any new difficulties started. The true and the only reason for our agreeing to the clause as it now stands is, that by the very preceding clause we are to take from the civil list, and appropriate to the aggregate fund, a revenue, which upon a medium since his Majesty's accession, has brought in 70,000*l.* a year: this being the true state of the case, is it not evident that the civil list will lose, at least, 70,000*l.* a year by the regulation we are now about to make? And as we are to take that yearly sum from the civil list, and appropriate it to the aggregate fund, is it not most just and reasonable, that we should charge the aggregate fund with the payment of that sum yearly to the civil list? It is true, as the produce of the duties upon spirituous liquors will certainly be very much diminished by this new regulation, the aggregate fund may not perhaps receive so much yearly by the share the civil list formerly had in those duties; but this signifies nothing to the present question, for if we were to take off

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any of our taxes now appropriated to the civil list, or to the payment of the interest growing due upon any of our debts, we should be obliged to charge the aggregate fund, or some part of the sinkingfund, with the deficiency thereby occasioned, though that fund should get nothing to answer the new charge laid upon it.

But we are told, Sir, That if the Civil List be a loser by taking from it its share in the duties on spirituous liquors, that loss will be fully made good by the increase in excise on beer and ale, which will naturally be occasioned by the new regulation we are now about to make. Sir, whatever increase may happen hereafter in the excise on beer and ale, the Civil List has a right to its share of that increase without any new grant from us, nor can we take that right from it without doing a manifest injustice; so that it appears to me a little extraordinary to say, that the loss of that right the Civil List now has to a share of the duties on spirituous liquors, will be compensed, or made good, by another right it was before intitled to, and which we neither could give nor take from it.

But, Sir, to wave this argument for the present, and to suppose that a right which we do not give, may be a compensation for a right which we actually take away, I cannot think it would be just in us to take from the Civil List a certain revenue of 70,000*l.* a year, and give nothing in return but an uncertain produce, which may for what we know be worth little or nothing; for even by the very calculations that have been mentioned of the other side, it appears that the excise on beer and ale does not always increase, or decrease, in proportion as the duties on spirituous liquors decrease or increase. In the year 1729, the duties on the latter produced but 104,373*l.* whereas in the year 1735, they produced 154,094*l.* from whence we ought to conclude, that the produce of the excise on beer and ale was much higher in the year 1729, than it was in the year 1735, yet we find that in 1729, the excise produced but 963,763*l.* and that in the year ended at Midsummer last, 1735, it produced 1,021,370*l.* which is 57,607*l.* more than it produced in 1729.

This shews, Sir, that the proportion between the increase or decrease of the one, and the decrease or increase of the other, does not always hold; and in fact it has certainly always been, and will always be so: The increase or decrease of the excise upon beer or ale, as well as the increase or decrease of the duties on spirituous liquors, depend upon so many other accidents, that they cannot depend entirely upon one another, nor can any man guess at the increase of the one, from any knowledge he may have of the decrease of the other. I shall mention only one accident, which was, I believe, the chief reason of the decrease of the excise on beer and ale in the year 1729. It happened in that year, the price of all sorts of corn, especially malt, was much higher than it was for several years before or since, and for this reason we may suppose none of our brewers brewed any more beer or ale in that year, than what was absolutely necessary for the immediate consumption; none of them brewed any large quantity for staling, as they call it; whereas, in a year when the price is low, they all brew great quantities, which they keep by them as a stock in hand, to be ready to answer any future demand. This is more particularly the case with respect to those sorts of strong beer or ale, which the brewer may keep several years in his cellars, and is generally the better, the longer it is kept; and to this accident, I believe, we ought chiefly to ascribe the great decrease in the excise on beer and ale in the year 1729.

Sir, I am so far from thinking, that the increase or decrease in the consumption of beer and ale, depends upon the decrease or increase in the consumption of spirituous liquors, that I believe they generally increase or decrease together; it is not the consumption of either of the liquors, necessary for the support of nature, which raises the excise to its present height: It is the consumption occasioned by the debauches and extravagancies of the people, and these depend upon so many accidents, that it is impossible to account for them in time past, or to guess at the consumption that may be in time to come. But I am persuaded that nothing will tend more to the rendering our people sober, frugal, and industrious, than the removing out of their way the many temptations they are now exposed to, by the great number of gin-shops, and other places for the retail of spirituous liquors; for before a man becomes flustered with beer or ale, he has time to reflect, and to consider the many misfortunes to which he exposes himself and his family, by idling away his time at an alehouse; whereas any spirituous liquor in a moment deprives him of all reflection, so that he either gets quite drunk at the

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gin-shop, or runs to the alehouse, and there finishes his debauch. From hence, Sir, I think it most natural to conclude, that the bill now under our consideration, if passed into a law, will diminish the consumption of beer and ale; and consequently the produce of the excise on those liquors, as well as the consumption of spirituous liquors, and the produce of the duty on them.

I come now, Sir, to the proposition this day made to us, which I must say I look on as a very extraordinary one; because it would entirely alter the very nature of that grant of the Civil List, which was made to his Majesty in the first year of his reign; and I wonder how gentlemen can propose making any such alteration in that grant without his Majesty's consent: I think they should, at least, in decency have ushered it in with a motion for an address to his Majesty, humbly to pray that he would give his consent to their making such an alteration; for by the establishment of the Civil List as it stands at present, and as it was granted to his Majesty in the first year of his reign, he is to have during his life the produce of all those duties then appropriated to that revenue without any account; yet now it is modestly proposed, that he should from henceforth be obliged to give an account, every year, to parliament of the produce of every one of those duties, or otherwise to lose, at least, a part of the benefit of that establishment which was intended, and was then actually granted to him by parliament.

Having thus, Sir, put this proposition in a true light, I am convinced that we cannot come to any such resolution, or agree to such a clause in any Bill, without his Majesty's consent; and as I have shewn that there is no certainty, that the civil list will be a gainer by the increase of the excise on beer and ale; but on the contrary, that there is a probability that it will be a loser by the decrease of that excise, I think there arises from thence a sufficient reason for our making good to his Majesty the loss he must sustain, by taking from the civil list its share in the duties on spirituous liquors, therefore I shall add no more, but declare that I am most heartily for agreeing to the clause as it now stands.

To this it was replied by the Members who opposed the Grant of 70,000*l.*

Sir; From some of the arguments now made use of, I think we may already begin to see the truth of what was foretold in the beginning of this debate. We were then foretold, Sir, that if it should hereafter appear, that the civil list had got 200,000*l.* a year, additional revenue, by the increase of the excise on beer and ale occasioned by this bill, the Parliament would never be able to lay hold of any part of that increase, or even to re-assume the 70,000*l.* annuity, we are now to grant, upon a supposition that the civil list will get nothing by such increase of the excise on beer and ale. The truth of this, I say, Sir, begins already to appear; for the honourable gentleman (sir Robert Walpole) has told us, that by increasing the consumption of beer and ale, and consequently the excise on those liquors, we give nothing to the civil list but what it had before a right to; whereas by diminishing, or taking from the civil list its share in the duties on spirituous liquors, we take from it what it had formerly a right to, and that therefore we cannot pretend to compensate a right which we actually take away, by a right which we do not give. If this can be admitted as an argument for our agreeing to this clause, it must always be a much stronger against the Parliament's ever pretending to take any part of the increase, that may be occasioned in the excise, or to re-assume the 70,000*l.* annuity we are now to establish.

Although I have never yet admitted, nor can admit, that the civil list's share in the duties on spirituous liquors ought to be computed at 70,000*l.* yet now, Sir, I shall take it for granted, because it signifies nothing to the present dispute; for the principal question now in dispute I take to be, whether the civil list has such an absolute right to that share, that we can make no regulations whereby the value of that share may be diminished, without granting a compensation from some other fund? And the next question I take to be, whether, if by the same regulation the value of the civil list's share in some other duties or excises be increased, we may not in justice and equity insist upon it, that the advantage occasioned in the one case may be admitted, so far as it will amount, as a compensation for the loss in the other.

As to the first question, Sir, it is true, the crown has a right to the whole produce of certain duties appropriated to the civil list, but that right is to be considered in a two-fold respect. The crown has a right to the whole produce of all those.

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duties, so far as may amount to 800,000*l.* establishment, without being subject to any accident or contingency whatsoever, because if the produce should not amount to that sum yearly, the Parliament stands obliged to make it good; and if the whole produce of those duties should amount to more than 800,000*l.* the crown has likewise a right to the surplus: but that right is subject to all accidents and contingencies, because if that surplus should be by any accident diminished, the Parliament is not obliged to make it good. Now, Sir, among the many accidents to which that surplus in its own nature remains liable, surely this is one, that it may hereafter become necessary for the welfare, perhaps for the preservation of the nation, to prevent or put a stop to the consumption of some commodities, the duties upon which contribute towards the producing of this surplus: Would the Parliament be obliged in such a case to make that surplus good; or to establish any other fund for compensating the loss the civil list might sustain by such an accident? No, Sir, it certainly would not; unless that loss should become so heavy, as to reduce the surplus, and even diminish the establishment; then indeed a demand would arise upon the parliament, and we should be obliged to make the establishment good.

Suppose, Sir, that France, Spain, Portugal, and the greatest part of Italy, should be united in an alliance against us, which by our late management may happen to be the case; would it not then be absolutely necessary for us to prohibit the importation or consumption of all French, Spanish, Portuguese, and Italian wines? Would not this very probably almost quite annihilate the whole of what I have called the surplus of the civil list? Yet will any gentleman say that the Parliament could not prohibit the importation or consumption of those wines, without making good to the civil list its share in the duties upon them, to be computed at a medium of the produce for the preceding seven or eight years, when perhaps the consumption of them was at a higher pitch than was consistent with the good of the nation, or health of the people? Surely, Sir, no man will pretend to say any such thing; the Parliament would not be obliged to make good any part of the loss the civil list should sustain by such prohibition, unless the produce of the duties appropriated to that revenue should be so far reduced as not to amount to 800,000*l.* yearly: And, even in that case, the Parliament would be obliged only to make the 800,000*l.* good, they would not be obliged to make good any part of that surplus, which the crown had formerly received and enjoyed by means of the duties upon those wines.

Is not the case now before us the very same? Our people have by accident lately taken such a turn, that it is become necessary for their preservation, to prohibit the consumption of spirituous liquors by retail. Is not this, as well as the one I have mentioned, one of those accidents, to which the crown's right to the surplus of the civil list revenue always was, and still is subjected? And can any gentleman with reason say, that we cannot prohibit the retail of such liquors, without making good to the civil list the whole surplus that has accrued to it, computed at a medium of the produce of those very years, when the abuse of those liquors was at its highest pitch?

The other question, Sir, is, Whether, if by the same regulation by which the civil list's share in some duties is diminished, its share in other duties be increased, the advantage occasioned by that regulation in one case, ought not in justice and honour to be admitted, so far as it will amount, as a compensation for the damage occasioned in the other? This, Sir, is a fair and a true state of the question, without that disguise of compensating a right which we actually take away, by a right which we do not give. Having thus stated the question in its proper light, I shall make use only of a familiar parallel in private life, for shewing that it ought to be be resolved in the affirmative. Suppose a gentleman in my neighbourhood has a very large marsh in his estate every year increasing so as to threaten his estate with almost entire ruin, and that the water from that marsh, after running through a part of his estate, falls upon a part of mine, and there makes a new marsh, by which a great part of my estate is rendered useless, and the whole brought into danger: suppose that upon surveying my neighbour's marsh, and the several fields round it, I find that, by a cut through another part of his estate and a part of mine, his marsh may be thoroughly drained; and that the water, by being carried into a new channel, will be prevented from overflowing any part of my estate, and will very much improve my neighbour's: suppose again, that upon a fair and just survey, it appears, that the rents of his estate will, by the cut or water-drain to be made, be diminished to the value of 20*l.* a

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year, but that by the draining of his marsh, and rendering it good pasture or arable land, the rents of his estate will be augmented to the value of 50*l.* a year, so that upon the whole he will be a gainer to the amount of 30*l.* a year. In this case I must ask every country-gentleman that hears me, if my neighbour ought, in prudence, to prevent my making that cut or water-drain through his estate at my own expence; or if he could either in justice or honour pretend, that I ought to give him 20*l.* a year out of my estate, in compensation for the 20*l.* a year, he pretends he is to lose, by making the cut or water-drain through his estate? I believe no gentleman will say he could in prudence refuse the one, or in justice insist upon the other: yet, in this case, the compensation he receives for the right I take away from him, arises from a right I do not give, a right he was intitled to before I took the other from him.

Having now, I think, Sir, demonstrated, that, if the loss the civil list may sustain by the present regulation, be made good by the increase in the excise on beer and ale occasioned by the present regulation, we are neither in justice nor honour obliged to give any other compensation, I may give up the other question, and admit, that we are obliged to grant a compensation, in case the loss is not made good by the increase of the excise on beer and ale, because, notwithstanding what the honourable gentleman has said, I am still of opinion, that it is not only probable, but apparent, that the loss in one way will be sufficiently made good by the advantage in the other. The very nature of the thing is to me a sufficient proof; for granting, that the greatest part of the present amount of the excise proceeds from the debauches and extravagancies of the people, it is well known, that those who once get into the way of committing debauches in gin, can have no relish even for the strongest malt liquors; and I am convinced there are very few instances, if any, that ever a club of excessive gin-drinkers went from a gin-shop, to finish their debauch at an ale-house; because even to quench their thirst they generally take small beer or water, and mix it up with gin; and many of them continue at the gin-shop till they cannot find the way to an ale-house, or even to their own beds, if they have any, but content themselves with the clean straw, which at some of those places they have for nothing: so that even from the nature of the thing we must conclude, that those who have once taken to the excessive drinking of gin, give over almost entirely drinking of beer or ale; and if we can lay those people under a necessity of returning to the drinking of strong beer or ale, we must necessarily very much increase the consumption.

By the report, Sir, of his Majesty's justices of the peace at Hicks's-hall in the month of January last, we find, there were then within Westminster, Holborn, the Tower, and Finsbury division (exclusive of London and Southwark) 7044 houses and shops, wherein Geneva and other spirituous liquors were publicly sold by retail, of which they had got an account, and that they believed it was very far short of the true number: From hence, Sir, if we include London, Southwark, and the other places within the bills of mortality, I may modestly compute there are 20,000 houses and shops within the bills of mortality, where Geneva and other spirituous liquors are sold by retail; and though the people within the bills of mortality are computed to be but a fifth, or a sixth part of the people of England, yet I shall reckon but 20,000 houses and shops in all the other parts of England, where spirituous liquors are sold by retail, the whole being 40,000. Now to each of these houses I shall allow but ten customers, who are excessive drinkers of gin, such I call those who may drink about half a pint a day, one day with another; and ten customers who are moderate drinkers of that liquor, such I call those who do not drink above half a quartern a day, one day with another. This makes in England 400,000 excessive drinkers, and 400,000 moderate drinkers of spirituous liquors; and considering how universally the custom of drinking such liquors has got in among the common people, men, women and children, I believe this number will not be reckoned too large.

Let us next suppose, Sir, that if the retail of such liquors were entirely prohibited, and these drinkers of gin should return to the use of malt liquors, that each of the excessive drinkers of gin would for the future drink a pint of strong beer a day, one day with another; and that each of the moderate drinkers of gin would for the future drink half a pint of strong beer a day one with another, more than they drink at present; we may from thence see how greatly the consumption of beer and ale would be hereby increased; for 400,000 pints, and 400,000 half pints,

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makes 600,000 pints, or 75,000 gallons a day, which makes 27,375,000 gallons, or 805,147 barrels in a year: The excise at 4*s.* 6*d.* per barrel upon this increase in the consumption, would produce an increase in the excise upon beer and ale of 181,158*l.* yearly, one half of which being 90,579*l.* would belong to the civil list; so that according to all the ways of computation, the civil list will get more by the increase in the excise upon beer and ale, than it can be supposed to lose, according to the highest computation, by taking from it the duties on Spirituous liquors; and that my computation of gin-drinkers is within bounds, appears from hence; that the supposed 400,000 excessive drinkers at half a pint a day, and the 400,000 moderate drinkers at half a quartern a day, according to this computation, consume but 31,250 gallons a day, which is 11,406,250 gallons in a year, the duties upon which, at 3*d.* a gallon, amount to but 142,578*l.* per annum; whereas the duties upon these liquors for this last year, amounted to 154,094*l.* and we cannot suppose but that there are some frauds, with respect to the collecting of these duties, as well as in most others.

I have chosen this new method of calculation, Sir, not because I think the other false or deceitful, but to shew, that whatever method we choose, and from the most modest calculations we can make, this general truth will always appear, That by prohibiting the retail of spirituous liquors, the civil list will get more by the increase of the excise on beer and ale, than it can lose by the decrease of the duties upon such liquors: And now with respect to the observations made upon the other method, I must say, that the gentlemen of the other side treat us, as free-thinkers are treated by some of their antagonists: They state a weak or a false argument for us, answer it, and then triumph in the victory they have obtained. I have never heard it said, Sir, in this House, nor in any other place, that as the duties upon spirituous liquors decrease or increase, the excise upon beer and ale must always increase or decrease in an exact proportion: That if the duties upon the former decrease or increase one fifth, one sixth, or one tenth, the other must increase or decrease exactly one fifth, one sixth, or one tenth, and neither more nor less. No, Sir, there are many other accidents may contribute to the increase or decrease of the excise on beer and ale, and therefore this proportion cannot be exact: Yet I cannot allow, that the accident mentioned by the honourable gentleman, could have any great influence upon the excise in 1729; for the price of malt was not, so far as I remember, so high that year, as to put our brewers out of the common way of brewing; and besides, we know that the strong drink brewed for common draught, from whence the greatest part of the excise is raised, is never designed to be kept a great many years; so that in such sort of drink the brewers never think of laying up a great stock to provide for a year of scarcity: But I shall mention one accident, which I will take upon me to say, has greatly contributed to keep up the excise these last two years, and yet has contributed nothing towards raising the produce of the duties, at least, on home-made spirits; I mean, Sir, the late general election for this parliament, and the many very extraordinary disputed elections that have been since; for it is certain that these elections and disputes have added greatly to the consumption of beer and ale, though I have never yet heard of a candidate, who treated his voters or witnesses with gin.

And lastly, Sir, with respect to the proposition this day made to us, I am surprised to hear the honourable gentleman say, that it alters the nature of the present establishment of the civil list; for upon the contrary, it pursues exactly the nature of that establishment: with respect to the present civil list, so far as the parliament stands obliged to make it good, his Majesty is accountable; for he cannot make any demand upon the parliament, till he has laid an account of the civil list revenues before them, in order to shew them the deficiency: By the proposition now before us, we are to enlarge that establishment, we are to oblige ourselves to make a future sum yearly good to his Majesty; and I hope the honourable gentleman would not have us lay ourselves under such an obligation, and at the same time put it in the power of any future minister to come and tell us, whenever he pleases, that there was a deficiency as to that further sum; and that therefore he insisted upon our making it good, without laying any account before us from whence that deficiency might appear.

To conclude, Sir, from the whole that has been said upon this subject, it appears evident to me, that if the surplus of the civil list should be diminished by what we are now about, we are not obliged to make

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it good: That if we were obliged to make the loss good, it ought not to be computed at 70,000*l.* per annum: That if it should be computed at 70,000*l.* per annum, it is apparent that it will be made good by the increase of the excise: That if this were not apparent, the proposition now made to us will fully answer that uncertainty: That the proposition now made to us is exactly conformable to the nature of the present establishment of the civil list; and that if it were not, it is become necessary, by the demand now made upon us in favour of the civil list; so that in no case can I find any reason for taking such a sum as 70,000*l.* a year from the Sinking Fund; and therefore I cannot agree that this clause, in the present form, should stand part of the Bill.

The Question being then put, to agree with the Committee in the Amendments made to this Clause, it was, upon a division, carried in the affirmative, by 183 to 110.

April 6. The House resumed the consideration of the report from the committee on the Bill for preventing the retail of spirituous liquors, when the following Clause was offered for excepting punch; viz. 'Provided always, that nothing in 'this act contained shall extend, or be 'construed to extend, to charge with any 'of the duties directed to be paid, levied, 'or collected, by this act, any spirits or 'strong waters, to be made into the liquor 'commonly called punch, to be retailed 'and consumed in the house, or houses, 'of any person, or persons, keeping a public 'inn, coffee-house, victualling-house, or 'ale-house, who shall have been first licensed to sell wine, beer, ale, or other 'liquors, or to subject the makers, or retailers of the said liquor called punch, to 'take out licences from the commissioners 'of excise, as herein before directed for 'retailers of spirituous liquors, or strong 'waters. Provided the said liquor called 'punch, so to be retailed and consumed as 'aforesaid, be made or mixed with two 'third parts water at the least, in the 'presence of the buyer, and that the spirit 'with which the said liquor is to be made, 'be not sold, or retailed, in a less quantity 'than one pint, or at a less price than 'after the rate of 5*s.* per gallon; and all 'and every person, or persons, acting 'contrary hereto, shall forfeit the sum of '5*l.* for every offence, one moiety thereof 'to the informer, or prosecutor, that shall 'inform or prosecute for the same, the 'other moiety to his Majesty, his heirs 'and successors: and the proof that the 'same was so mixed and sold at such price 'as aforesaid, shall lye on the vender or 'seller thereof, and not on the informer or 'prosecutor.'

The Arguments in favour of the said Clause were as follow:

Sir; As the complaint, which occasioned the bringing in of this Bill was chiefly aimed against the excessive use of home-made spirits among the common people, which proceeded entirely from the low price, and from the liberty many persons took to retail them without a licence, I have always been of opinion, that the evil complained of might have been cured, without laying on such heavy duties as will amount to a prohibition of the retail of all distilled spirituous liquors: however, as the consumption of rum, when made into punch, has never occasioned the least complaint, and as that consumption is of very great consequence to this nation, I must beg leave to offer a few words in favour of the clause proposed.

I believe, Sir, no gentleman in this House is ignorant of the present declining state of our sugar-colonies: their circumstances have been of late so fully laid before Parliament, and every man who has a regard for his fellow subjects, or for the good of his country, must be sensibly touched with their just complaints. Their rivals in the sugar-trade enjoy a new, rich, and fertile soil, which produces plentifully without great labour or expence. Their rivals live almost quite free from taxes, and without being at the expence of making any presents to their governors, or even of maintaining and repairing their own forts and garrisons; while they are heavily loaded with taxes upon exports as well as imports, and obliged to pay large salaries to their governors, and to maintain and repair their own fortifications: their rivals have a liberty of exporting their sugars directly to any market in Europe, while they remain under a necessity of landing every ounce in Britain, and are thereby obliged to pay double freight, double commission, and a great many other unnecessary charges. These disadvantages have already, I am afraid, made us lose the benefit of supplying any foreign market with sugars; and in such circumstances can it be expected, that the Parliament of Great Britain will, without any necessity, make a regulation for taking from our

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sugar-colonies the only market they have left?

I must confess, Sir, I little expected to have seen, in this session of Parliament, any new discouragement given to our sugar-colonies; on the contrary, I expected to have seen the most vigorous, and the best concerted measures taken for relieving them from all the disadvantages they at present labour under; and for putting them, at least, upon an equal footing with their rivals in the sugar-trade: such measures might have perhaps enabled us to regain the benefit we have lost, of supplying foreign markets with that commodity; but if we diminish the sale of their sugars or their rum in Great Britain, without enabling them to send it to foreign markets, by removing the disadvantages they are now subjected to, their rivals may be so thoroughly established in the trade, that it will be impossible for us to regain it; nay, the very islands where our sugars are now produced may be abandoned; and then instead of supplying foreigners, it will be impossible for us to supply ourselves, either with sugars or rum, which must of course be attended with an infinite loss to the nation.

Let us consider, Sir, what vast quantities of manufactures of all kinds are yearly sent from Great Britain to our several sugar-islands, and from thence we must see how greatly the value of our exports must be diminished. This of itself would be an infinite loss to the nation; but then, if we could have no sugars or rum from those islands for supplying our home-consumption, our loss would be redoubled; for that consumption would then be supplied from the French islands: so that the value of our imports from foreign countries would be considerably increased, at the same time that the value of our exports would be greatly diminished; and how this would affect our balance of trade, as well as our manufactures here at home, I leave every gentleman to judge.

The duties upon sugars consumed in Great Britain are said to amount to near 130,000*l.* a year, and as these sugars pay but 3*s.* 6*d.* per hundred weight, we must from thence conclude, that the sugars consumed yearly in this island must amount to above 700,000 hundred weight; so that if we were obliged to purchase from France all the sugars necessary for our home consumption at the rate of 6*d.* per pound, which would probably be the case, that consumption only would carry yearly out of this kingdom near two millions sterling: To this let us add the money that must necessarily be carried out of the nation yearly for rum; and the vast sums that must yearly be carried out of Ireland, and our northern colonies, for the sugars and rums they stand in need of; and from these two considerations only, we must, I think, conclude, that by the loss of the sugar-trade only, the balance of trade would be entirely turned against us. Then let us consider what vast numbers of our people are now employed, at home and abroad, in the production and manufacture of our sugars: what vast numbers of our manufacturers of all kinds are concerned in providing necessaries and utensils for them; and what a number of our seamen are yearly employed in transporting our sugars and rum to Great Britain; and from thence we may see how greatly the number of our people, especially our seamen, must be diminished, and consequently how considerably the power, and naval force, of this nation must be reduced by the loss of the sugar-trade: but what is still of worse consequence, and I beg of gentlemen to consider it, all the riches, all the power, and all the naval force we may in this case lose, must necessarily be added to that kingdom from which we must always have the most to fear.

Having now, Sir, represented to you the fatal consequences, with which the loss of the sugar-trade may be attended, I shall next consider how that trade may be affected by the Bill before us. I believe it will be granted, by every man who understands any thing of our sugar-plantations, that considering the disadvantages they lie under at present, it would be impossible for them to carry on the trade, or to produce any sugars, if they had not a ready sale for their rum at the price it now bears; therefore every thing, that tends towards lessening that price, must be a step towards the ruin of our sugar-trade. Now if the consumption of any commodity be lessened, the quantity brought to market must be lessened, or the price will sink of course; and as the consumption of rum will certainly be very much diminished by this Bill as it now stands, we must conclude that our sugar-planters cannot have a ready sale for their rum at the price it now bears, if they continue to produce as much as they do at present; and we also know, that our sugar-islands are not fit for producing any thing that can turn to account but sugars and rum;

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so that if we put it out of their power to get a sale for them, at such a price as they may subsist by, a great number of them must necessarily leave our islands and settle among the French in Hispaniola or St. Lucia, where there is ground sufficient for them all, and where they will without doubt meet with encouragement. The few sugar-planters left upon our own islands may then, perhaps, get a profitable price for the sugar and rum they produce, because we shall certainly endeavour, by prohibitions and high duties, to prevent the importation of foreign sugars, rum or brandy; but we cannot in such case propose to sell any at a foreign market: and even with respect to our home-consumption, we know how impossible it is to prevent the importation, or consumption, of any foreign commodity, when there is a great advantage to be got by running it upon us.

We know, Sir, that in none but our own markets our sugar-planters can sell any great quantity of their rum they produce, which is at present equal in value to one 4th part of all their other products; if then by the Bill now before us, we diminish by one half the present consumption of rum, as our sugar-planters can dispose of it no where else, it is absolutely rendering useless to them one 8th part of their whole produce, which is above twelve per cent. and I am afraid, is more than any one of our sugar-planters can make clear profit to himself. From hence, Sir, we may see how dangerous it is, to lay such a restraint upon the consumption of rum as is proposed by this bill: yet this restraint, dangerous as it is, I should have readily agreed to, if the consumption of rum, either by itself or in punch, had ever given occasion to any of the evils now complained of, or even if we could hope thereby to render our people at home more sober, frugal, or industrious; because in either case, I should have at the same time proposed the freeing of our sugar-planters from all quit-rents and taxes, from all salaries or presents to governors, and even from all expence of maintaining and repairing their own fortifications; and at the same time, I would have been for giving them liberty to export their sugars and rum directly to any market in the whole world: but neither of these is the case at present; for the inferior people never have made, nor can make an excessive use of rum: it is never used, either by itself, or when made into punch, but by the better sort; and by taking from them punch, we shall only throw them into the way of drinking wine, which will be a greater expence to them, and to the nation.

But, Sir, it is not the consumption of rum only, that will be diminished by prohibiting the retail of punch, the consumption of sugar likewise will be greatly diminished; for though people may still make use of punch at their own houses, we know that our people do not much like entertainments at one another's houses; from that spirit of liberty so natural to them, and which I hope no minister shall ever be able to root out, they like to be at a public-house upon an equal footing and a fair club; and therefore we cannot suppose that the consumption at their own houses will amount to near the quantity formerly consumed. We are driving the people from the use of a liquor almost wholly produced by the industry of our own subjects, to the use of a liquor produced by foreigners, with whom we have not, I believe, all the reason in the world to be perfectly well satisfied.

I should have been glad, Sir, to have seen this Bill so framed as to have left our people the free use of rum; but as the House seems to be of opinion that this would open a way for evading the act; and as the clause is drawn up in such a manner as to prevent its being possible to draw from it any method of evading the law; or putting it in the power of the common people to make an excessive use of punch; and as no bad consequence can accrue from permitting the use of it among the better sort, I hope the House will agree to it.

To this it was answered by the Advocates for the Bill, as follows:

Sir; Although the complaints, which occasioned the bringing in of the Bill now before us, were chiefly aimed against the excessive use of home-made spirits among the common people, yet I believe it will be granted, that the use even of punch, has of late years become too excessive. It is well known how considerably the number of our punch-houses have increased within these few years, and how much they have been frequented by persons of all degrees, especially since the method of retailing punch in so small quantities has begun to be practised: this we may be assured of from the numbers of advertisements relating to such houses, which have daily appeared in our news-papers for two or

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three years past; and as every such house is a temptation thrown in the way of our people for idling away their time, I am of opinion that it is now become absolutely necessary to remove them out of the way; or at least to lessen the number of them as much as we can. I do not, Sir, in the least question but this evil was foreseen several years ago; but, among the many advantages we enjoy by the nature of our constitution, we are exposed to this inconvenience, that it is seldom practicable to prevent an evil, till it becomes so apparent as to be felt almost by every man in the kingdom; and in the present case though the evils now complained of were foreseen a dozen years since, yet it is certain that no proposition for preventing them would then have met with any reception; on the contrary, if any such had then been offered, I believe whoever should have proposed it, would have been looked on as a madman; yet I am convinced it will now be granted, that the passing such a Bill would have been of great service to the nation; and the objection of turning a number of people out of their way of subsisting their families, would not then have been so strong as it is at present. This is the case of every general nuisance, which always contributes to the advantage of some particular persons, who will oppose its removal as long as they can, but when it comes to be sensibly felt, they must then submit; and the advantage or convenience of particular persons is not to be regarded.

I am sensible, Sir, of the present bad circumstances of our sugar colonies, and as desirous to have the hardships they complain of removed, as any gentleman can be; and therefore I shall readily concur with any measures for their relief, that do not tend to the ruin of their mother country: but for the sake of encouraging the sale of their rum or sugars, I cannot submit to the continuance of an enormity which will evidently tend to destroy the health and morals of the people of Great Britain. For this reason I am against making any exceptions to the Bill now before us: the disease we are now fully sensible of, the remedy we have in our hands, do not let us mix that remedy up with any palliative which may lessen, perhaps entirely prevent its effect. We may find many methods for giving our sugar colonies a full compensation for the disadvantage they may be subjected to by this Bill; but that cannot be granted by the Bill now before us, it is a subject of a quite different nature, and will therefore require a separate Bill. This we may not perhaps be able to accomplish in the present session, but their case may be fully examined into before the next, and a proper relief be granted, and in the mean time their loss cannot be very considerable.

I shall not, Sir, dispute the consequence of our sugar islands to this kingdom, or its being a loss to them to lessen the consumption of their rum in Great Britain; but I am convinced they might sell their rum cheaper, and yet have a considerable profit. If they should lower the price of their rum but a very little, they might find a vent for it in many other places, a vent, which would be more than sufficient for answering the small diminution, that may by this law be occasioned in the consumption of it in Great Britain; and that foreign vent, would be more to the advantage of their native country than selling the same quantity at double the price to be consumed in this island. It is therefore against the general interest of this country, to encourage the home consumption so much, as to enable our planters to sell all they can make at a high price in Great Britain; and on the other hand it is our duty to take all possible measures for enabling them to sell it at a cheap rate to foreigners; for if the price of rum could be so much reduced, as that it might be purchased cheaper than brandy or geneva, vast quantities of it would be consumed in North America, in Africa, and in the countries bordering upon the Baltic; and even at home the consumption of French and Flemish brandies would be very much diminished.

I do not know, Sir, but by prohibiting the retail of punch, some small addition may be made to our consumption of wines; but then it will be with respect to port wines only; and as our trade with Portugal is, in the main, a very profitable trade, it is our interest to encourage it as much as we can: however, I rather think most of those who used to drink punch, will drink fine ale and strong beer, or those home-made wines which we call sweets; and it is as much the interest of the nation to encourage the consumption of these liquors, as that of any other. By increasing the consumption of fine ale and strong beer, we shall encourage the tillage of our lands in Great Britain; and by increasing the consumption of home-made wines, we shall encourage the trade of our sugar islands,

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because in the making such there are great quantities of sugar used; so that if they should become of as general use as punch is at present, our demand for sugars must necessarily be increased.

To conclude, Sir, if you exempt punch from the duties to be imposed by this bill, you will render it altogether ineffectual; for under the name of the liquor exempted, every sort of spirituous liquor will be retailed: Our brandy shops and our gin shops will then be all turned into punch shops, our people will be as much debauched, and our streets as full of objects of pity and contempt as ever. For this reason, Sir, I am for making an experiment, at least, for one year, of the bill as it stands at present: As it is a very extraordinary regulation, we shall probably in next session have occasion to make some alterations: By that time we shall see what effect the diminishing the retail of punch will have upon our people; we shall likewise see what effect it may be like to have upon our sugar colonies. In the mean time the prohibition cannot be attended with any extraordinary bad effect, and therefore I shall be against adding the clause which the honourable gentleman has proposed.

To this it was replied by the Members, who were for the Clause:

Sir; When the honourable gentleman, sir Joseph Jekyll, was pleased to find fault with the great number of our punch houses, I wish he had added taverns and alehouses, for I am convinced the great number of the latter is as sensible a grievance as the former; and have contrived more temptations for people to loiter away their time: but the unbounded liberty so many years given to setting up public houses of all kinds, proceeds from an error in politics, by which it was the interest of those to multiply such houses, who only had the power to prevent their increase. This, Sir, is the true cause of that prodigious number of houses of entertainment set up in every part of this kingdom; and the power of those, to whom we had given an interest in such houses, has been so considerable, that it was in vain for any gentleman to propose a remedy. Notwithstanding the terrible outcry, that was universally raised against the excessive use of spirituous liquors amongst the common people, I doubt much if we could have applied any effectual remedy, unless some persons had found it their interest to agree to it.

I shall readily agree, Sir, that the present number of our Punch-houses is too great; but there is a great difference between too great a number and none at all: by the proposition now made, the retailing of punch will be confined to houses where other strong liquors are by licence to be sold, which will of course very much diminish the number of our Punch-houses; and where men are allowed to drink any other sort of strong liquor, I can see no reason why they may not be allowed to drink punch, for I am persuaded it is as wholesome a liquor as can be found at such houses. I wish, Sir, that effectual methods had been taken, many years since, for preventing our people from supporting their families by the retail of spirituous liquors. I am convinced, that thereby the labour and industry of all our people has been very much diminished, and therefore I wish some effectual restraints had been laid upon those, who have the power of granting such licences. Though the public good certainly requires an immediate restraint upon the excessive use of spirituous liquors, yet I cannot think that a prohibition of selling any such liquors by retail, especially when they are rectified by water, or made into punch, can be absolutely necessary. Nay, if such a prohibition were necessary, my concern for the numbers of people who now live by that retail is such, that I should rather be for introducing the prohibition by degrees; by which method a general distress would be prevented; because some would die in the mean time, and the rest would have time to provide a livelihood in some other way.

This Bill would, I believe, have met with very little success, if it had not been supported by another proposition which is now made part of it. I shall admit, Sir, that those who find a private interest in any public nuisance, generally endeavour to oppose its removal, even although they are fully sensible that their country must be ruined by its continuance. Of such men, I am afraid we have too many in this kingdom, but I hope not one in this House.

With respect to our Sugar colonies, Sir, I am surprised to hear such reasoning upon that subject. They may probably be ruined by prohibiting the retail of their rum in Great Britain; but gentlemen say, we may give them a full compensation the

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next session; which to me seems the same as if I should say to a man, I must now knock your brains out, but next year I will do something to bring you to life again. For God's sake, Sir, let us consider the unfortunate case of many of our sugar islands, whose whole subsistence depends upon the sale of that moiety of their rum, which we are by this bill to deprive them of. The produce of their whole present crop of sugars, and the other moiety of their rum, may be necessary for defraying the charge of their next year's crop; and if we disappoint them in the sale of what they designed for subsisting their families, they must break in upon the stock necessary for producing another crop; by which means every sugar planter, who is not beforehand with the world, must necessarily be undone. This I am persuaded will be the case of most of our small planters, and in them we know the strength of our sugar islands consists; though the regulations we are next year to make may be a compensation to those who can stand the shock. There is no pretence for saying that the use of rum when made into punch, for one year longer, will destroy the health or morals of the people of Great Britain, therefore why should we do an injury to our sugar planters, till we are ready to grant them a proper redress? Why should we prevent the sale of their rum in Great Britain, till we have made such regulations as may enable them to sell it to advantage at some other market.

We are told, Sir, that our sugar-planters might sell their rum much cheaper, and yet have a considerable yearly profit from their several plantations; but I wish that sort of reasoning had been founded upon facts known to the House; for I believe, if we were to examine our sugar-planters, they would give us strong reasons for convincing us, that in their present circumstances it is impossible to sell their sugars or rum cheaper. We all know how dear living it is in our sugar-islands, what taxes they pay, and what monstrous prices they give for their slaves, and for every thing else necessary for the production of sugars: we likewise know at what a cheap rate both sugars and rum are sold upon the spot where they are produced, and if we compare the expence and the profits together, the impossibility of selling cheaper will fully appear. It certainly would be an advantage to the nation, to enable our sugar-planters to sell their rum at foreign markets rather than in Great Britain; but it is not the price the poor planters sell it at, which prevents its being sold in foreign markets; it is the wise regulations we have made here at home; for we seem to have taken care to prevent its being in their power to dispose of their rum at any foreign market: in the first place, their rum must be all landed in Great Britain, before it can be carried to any foreign market in Europe; so that it must be charged with double freight and double commission, besides porterage, wharfage, and several other small items upon the importation and exportation, all which, upon such a cheap and such a bulky commodity, must amount to more than the value of the prime cost: and in the next place we know that, in order to make rum palatable, it must be kept in a good cellar for several years; now there are but few of our planters can spare to keep their rum by them, nor would it be proper to keep it in those hot climates: and yet by obliging our merchants at home to pay the high duties upon it soon after its landing, we render it impossible for most of them to keep it till it is fit for any market; or if some of them do, the interest of the duties upon it at home rises so high, that it becomes impossible to sell it to advantage at any foreign market. Both these disadvantages might be very easily removed; and when this is done we may perhaps make free with our home-consumption of that liquor; but till then I am convinced, the putting a stop to our home-consumption, will be running the risk of ruining intirely our sugar colonies.

It is said, Sir, that upon our prohibiting the retail of punch, our people will fall naturally into the drinking of fine ale, stron gbeer, and home-made wines. I wish it may be so: and I am convinced the putting a stop to the use of spirituous liquors, will increase the consumption of beer and ale, though this has been denied, or at least much doubted of, by the same gentlemen in a former debate on this Bill; but as for most of our punch-drinkers, they are generally the better sort of our people, and most of them will fall into the drinking of foreign wines, which consumption will not be confined to the wines of Portugal only; for the Spanish and Italian wines will certainly come in for a share, as well as French clarets. As for our home-made wines, the use of them will never become

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so general as the use of punch; and unless this happens to be the case, our sugar-colonies will suffer in the consumption of their sugars as well as their rum.

I will allow that by prohibiting the retail of punch, some little addition will be made to the consumption of our home-made wines; but I am convinced the chief addition will be to the foreign wines, which must necessarily be a great disadvantage to the nation, though it will be a double advantage to the Civil List; for that revenue will be considerably increased by the great number of new wine-licences, that will of course be taken out, every shilling of the duties upon which belongs to the Civil List; and it will besides get a great deal more by the consumption of wine, than it could have ever got by the consumption of rum made into punch; for as one bottle of good rum made into punch, will go as far as four bottles of wine; and as the Civil List gets at least 16*d.* by the consumption of four bottles of wine, and but 9*d.* or 10*d.* at most by one bottle of rum made into punch, the Civil List will be a double gainer by this change of liquors. It is true, a considerable addition has always been made by adulteration to foreign wines after they are imported, so that we cannot suppose the Civil List will get 4*d.* by every bottle hereafter to be consumed: but then if the drinking of punch be continued, we cannot reckon that the Civil List could get 9*d.* or 10*d.* by every bottle of rum made use of, because great quantities of punch have always been made of rum run in without paying duty; and the quantity of punch, made from such liquors, will always be at least equal to the quantity added by our wine-coopers to foreign wines after importation.

The clause now offered is, in my opinion, Sir, drawn up so cautiously, that it is impossible to make any handle of it for evading the law. The punch, to be retailed by this clause, must be mixed with two third parts water at least, in the presence of the buyer, and must not be retailed in a less quantity than one pint, or at a less price than after the rate of 5*s.* per gallon: it will therefore be impossible to sell any spirituous liquor under the name of punch, unless it be mixed with two third parts water; and the not allowing it to be sold at a less price than 5*s.* per gallon, or in a less quantity than one pint, will prevent tippling as much as possible. To pretend that the frauds cannot be discovered, because the drinkers will always be parties to the evasion, is an objection that will hold equally strong against every clause in the Bill; for the drinkers must be parties to every fraud that can be committed, and yet it is to be presumed, that they will generally be the informers: nay, even with respect to retailing of gin, it may safely be sold and drank in a private corner, without any danger of discovery, unless the drinkers themselves become informers.

The bill now before us may indeed, Sir, very properly be called an experiment: It is, I believe, one of the boldest experiments in politics that was ever made in a free country: and seems as if intended to try the submission and obedience of our people: even, though the clause now proposed be added, like Saul, it will ruin its thousands; but if this clause be not added, like David, it will ruin its ten thousands; and if by this bill our sugar-trade should be destroyed, it will ruin the whole nation at last. I truly, Sir, make no question, but that the bill will be found to stand in need of some amendments in the very next session; I do not know but a great part of it may then be repealed; but as for that part of it which relates to the Civil List, I doubt much if it will ever be in our power to get it repealed: I am convinced, that before next session it will be found necessary to alter the whole scheme of this Bill, and to contrive some new method for preventing the excessive use of spirituous liquors among our common people; but in the mean time thousands of our people abroad and at home will be utterly undone: And as such persons cannot be recovered, nor receive any benefit, by those alterations we may then think proper to make, I am for preventing the spreading of this desolation as much as possible, and therefore am for adding the clause now proposed.

The question was then put, Whether the above clause be added to the bill; which passed in the negative, by 203 to 98.

April 20. The said Bill was read a third time, and passed without a division; and sir Charles Turner was ordered to carry it up to the Lords.

*Proceedings in the Commons on the Mortmain Bill.**] The Master of the Rolls,

* "This bill took its rise from several incidents that had lately happened, by which heirs at law had suffered considerably by injudicious, ostentatious, dispositions of their lands to cha-

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(sir Joseph Jekyll,) moved for leave to bring in a bill to restrain the Disposition of Lands, whereby the same became unalienable; which was accordingly granted, and the Master of the Rolls, Mr. Ord, Mr. Glanville, and Mr. Plumer, were ordered to prepare and bring in the same. This bill was presented to the House by the Master of the Rolls, on the 10th, and being received, was then read a first, and ordered to be read a second time. Next day, the House ordered the said Bill to be printed, and it was read a second time on the 11th, and committed to a Committee of the whole House.

March 25. A Petition of the Chancellor, Masters and Scholars of the University of Cambridge, was presented to the House and read, setting forth,

"That the University, and the several colleges therein, were founded and endowed for the maintaining fit persons in the study of useful knowledge, and the bringing up youth in learning, virtue and religion: and that they had hitherto pursued those ends with great industry and success; and that many excellent books had been written by the members thereof for the service of Religion, and many useful discoveries and great improvements made in arts and sciences; and that many of the nobility and gentry, had by their academical education, been so well fitted for the service of the church and state, as to have proved the ornaments and supports of both; and that the university had at all times before been thought worthy of the countenance of the legislature, and continually favoured by persons of all orders and degrees, eminent for wisdom and public spirit; and that, if the Bill to restrain alienations of lands should pass into a law without amendment, it would, as the

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ritable and other uses; and other instances (particularly one Mr. Mitchel, who was going to leave a very large estate in land, to one of the universities) it was judged convenient, for many reasons, to put a stop to so growing an evil. The principle, upon which this bill was founded, that of not suffering lands to go into mortmain or dead hands, had been long a favourite principle with the English Commons. But the two universities took the alarm, and sent up petitions against it. Several other petitions, were presented against the bill, while it depended in the House of Commons, but very little regard was paid to them, and it passed the Commons, by a majority of 176 against 72. It met, however, with some difficulties and great debates in the House of Peers.

"Lord Gower, who was, at this time, a leading man in the party of the old high-church interest, as it was understood in the reign of queen Anne, moved for an instruction to be given to the committee, to receive a Clause in favour of the Universities, with regard to giving them liberty to exchange the small livings they were, or might be, possessed of, for others of a greater value; so as the number of advowsons, in the possession of any college, might never exceed the number prescribed by the bill. The same instruction had been moved for in the House of Commons, but was rejected, as it was now in the House of Peers, though supported strenuously by lord Bathurst, the earls of Abingdon, Strafford, and others, who were looked upon as leaders in the high-church or tory party. Several other alterations and amendments were moved for, but disagreed to. The truth is, all men of sense thought that the madness of bequeathing lands in mortmain, had already gone too far, even with regard to charities of a legal institution, and that therefore it was high time to restrain it. The lord Hardwick, however, was of opinion, that the bill, as it then stood, might affect purchases made by charities, though a valuable consideration had been paid for them. He therefore proposed a clause, providing, 'That nothing herein before mentioned, relating to the sealing and delivery of any deed or deeds, twelve calendar months at least before the death of the grantor, or to the transfer of any stock, six calendar months, before the death of the grantor, or person making such transfer, shall extend, or be construed to extend, to any purchase of any estate in lands, tenements, or hereditaments, or any transfer of any stock, to be made really and bona fide, for a full and valuable consideration actually paid, at or before the making such conveyance or transfer, without fraud or collusion.'

"Some lords, who were very sanguine for the bill, went so far as to say, 'that the above clause would defeat the whole intention of it, by giving rise to collusion; because a party may sell an estate, and the money may be actually paid for it; but it is in the party's power to leave the money, at his death, to the corporation of charity, who shall purchase it.' But in answer to this, it was argued, 'that the validity of the purchase must depend upon the bona fide intention; and should any such collusion appear, it could not come within the description of the clause. It was likewise thought unreasonable, and, indeed, unjust, to render void all bargains and transfers, if the grantor or transferer should not survive his deed, the first for twelve, and the other for six calendar months; after the money had been actually paid by the purchasing body politic, and perhaps was irretrievable by the purchasers.' The provision therefore was admitted, and made part of the bill; which, after some other less material debates, passed with the amendments, and received the royal assent." Tindal.

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petitioners apprehended, be attended with consequences greatly prejudical to them at that time, and much more so in time to come, because it would, in a great measure, prevent all donations to supply present or future deficiencies, or for any other wise and great purposes, how useful and necessary soever they might be thought; and that a considerable part of their revenue arose from annuities and other certain payments issuing out of lands and other estates; and that many of those payments having been fixed in the reign of queen Elizabeth, and still continuing invariably the same, were then, by the great fall of money since that time, sunk so far below their original value, as to be insufficient to answer the purposes, for which they are designed; and that several headships were under 120, some under 100*l.* per ann. and that the salaries of some professorships were under 50*l.* per ann. and others, as those of Botany, anatomy and christianity, had no endowment at all; and that the income of much the greatest part of their fellowships was under sixty, of many under forty, of some so low as thirty, and twenty, and fifteen pounds per ann. and that many of their scholarships and exhibitions amounted not to above six, four, and three pounds per ann. and that some were even under those small sums; and that many poor students had neither scholarship nor exhibition to help towards their maintenance; and that the number of advowsons in most colleges was very small in proportion to the number of fellows: and therefore praying the House to except that university, and the several colleges therein, out of the said Bill."

Which Petition was ordered to be referred to the Committee of the whole House, to whom the said Bill was committed,

March 26. A Petition of the Chancellor, Masters and Scholars of the University of Oxford, in behalf of themselves and the several colleges and halls within the said university, was presented to the House, and read; setting forth,

"That the Petitioners apprehended, that by the Bill then depending before the House, to restrain the dispositions of lands, whereby the same become unalienable, and their successors might be deprived of the assistance of future benefactions and the charitable donations of such as might be disposed to promote the pious intentions, for which that ancient university was founded; and that the petitioners were by their constitution entirely founded in charity, and must ever continue to depend upon it; and that notwithstanding the large benefactions with which they had been formerly endowed, yet many of the societies were so meanly provided for, that the pious designs of their founders must remain imperfect, without future benefactions, which had been found by long experience to rise by such slow degrees, that the petitioners hoped, that, when their case was duly considered, they would not be thought to be within any of the general mischiefs that might arise from alienations in Mortmain; and that, as their present possessions were inconsiderable in respect to the great number of persons that were maintained out of them, and that as the donations they then enjoyed, as well as those they might afterwards receive, must be solely appropriated to the advancement of religion and learning; for these reasons they hoped, that no difficulties or discouragements would be put in the way of those, whose pious and charitable intentions might dispose them to give their assistance towards rendering the university in general, as well as the several societies of it, more instrumental in promoting those great and necessary ends; and that the petitioners therefore hoped, they should be exempted from the restraints mentioned in the Bill; or that they should meet with such relief from that House, as to the House should seem meet."

Which Petition was likewise referred to the Committee.

March 31. A Petition of the Governors of the Charity for relief of the Poor Widows and Children of Clergymen, was presented to the House, and read; setting forth,

"That by letters patent of king Charles 2, the petitioners were constituted a corporation, for relief of the poor widows and children of clergymen, and made capable in the law, to take lands, tenements, and hereditaments, not exceeding the yearly value of 2,000*l.* and also goods, chattels, and things of what nature and quality soever, and to alienate and dispose of the same; which capacity was enlarged by his late Majesty king George 1, to 3,000*l.* a year more, and that the institution of that charity had been so well esteemed, and supported by so many pious and well disposed persons, that the petitioners had, for divers years past, been able to make a distribution of 5*l.* a year to above 800 widows of very poor clergymen, and to put out many of their children yearly to useful

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trades, who otherwise must have been burthensome to their respective parishes, and their children less useful to the Commonwealth, an account whereof had been annually printed and published; and that the objects of that charity were far more numerous, than the petitioners could provide for, out of their certain annual revenues, and casual benefactions, their certain annual revenues not exceeding 3,000*l.* a year; and therefore, as that charity was so well founded, and for so good purposes, and that corporation restrained from accepting lands beyond 5,000*l.* a year, and those alienable in the discretion of the petitioners, praying, that that corporation might be wholly excepted out of the bill then depending in that House, for restraining the dispositions of lands, whereby the same became unalienable, or that such provision might be made thereby, that that corporation might enjoy the benefits intended them by the said royal grants, and that the same might be preserved to them, to the full extent thereof."

No motion being made for referring this Petition to the Committee, it was ordered to lie upon the table.

April 2. A Petition of the Governors of the Bounty of queen Anne, for the augmentation of the maintenance of the poor clergy, was presented to the House and read; setting forth,

"That the said governors were made a body corporate by her late majesty queen Anne, in the 3d year of her reign, in pursuance of an act of parliament, impowering her to settle upon them the revenue of the first-fruits and tenths, for the augmentation of the maintenance of the poor clergy, and to make rules and orders for the regular administration of the same, by which statute licence was given to all and every person or persons, by deed enrolled, in such manner, and within such time, as was directed by the statute made in the 27th year of the reign of Henry 8, for enrollment of bargains and sales, or by last will or testament duly executed, to grant to the said corporation and their successors, lands, tenements, hereditaments, goods and chattels, for the purposes mentioned in the said act; which corporation had also thereby full capacity to purchase, take, and enjoy any money, lands, tenements, goods and chattles, without any licence or writ 'ad quod damnum,' the statute of Mortmain, or any other statute or law to the contrary notwithstanding; and that afterwards, in pursuance of the powers granted by the said statute, divers rules and orders were settled and confirmed by her said late Majesty, under the great seal; by some of which rules and orders, the augmentations to be made were directed to be by way of purchase, and not by way of pension; and the stated sum to be allowed for the augmentation of each cure, was limited to 200*l.* to be invested in a purchase, at the expence of the corporation; and the said governors were empowered to give the said sum of 200*l.* to cures not exceeding 35*l.* per ann. (which sum was afterwards, by the authority of king George 1, extended to 50*l.* per ann.) where any persons would give the same or greater value in lands or tithes; and such governors were directed, every year, between Christmas and Easter, to cause the account of what money they had to distribute that year, to be audited, and when they knew the sum, public notice was directed to be given, that they had such a sum to distribute in so many shares, and that they would be ready to apply those shares to such cures as wanted the same, and were by the rules of the corporation qualified to receive them, where any person would add the like or greater sum to it, or the value in lands or tithes for any particular cure; and that the petitioners apprehended, that by the bill then depending before the House, to restrain the dispositions of lands, whereby the same became unalienable, the rights and powers vested in them by the said act, and by the rules and orders made in pursuance thereof, might be greatly affected, if some proper provision should not be made to prevent it; and therefore praying that a clause or clauses might be added, whereby the said rights and powers might be secured."

After reading this Petition, a motion was made and seconded, for ordering it to be referred to the consideration of the Committee to whom the said Bill was committed; and the same being opposed, after pretty long debate, the question was put, and, upon a division, carried in the negative, by 143 to 95; whereupon the Petition was ordered to lie upon the table.

The same day the House resolved itself into a Committee of the House upon the said Bill, and made some progress, Mr. Gibbon being in the chair; after which, Mr. Speaker resumed the chair, and Mr. Gibbon reported from the Committee, that they had made some progress in the Bill, and had directed him to move, that they might have leave to sit again; where-

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upon it was resolved, that the House would, upon Monday then next, resolve itself into a Committee of the whole House, to consider further of the said Bill.

April 7. The Committee having gone through the Bill, they reported the Amendments they had made to it, when the House should please to receive the same; and on the 7th, A petition of the governors of the Grey-coat hospital in Tothill-fields, of the royal foundation of queen Anne, was presented to the House and read, setting forth,

"That by letters patent, dated the 19th day of April, in the 5th year of the reign of the late queen Anne, the petitioners were constituted a corporation, and made capable in law to take lands, tenements, and hereditaments, not exceeding the yearly value of 2,000*l.* and also goods, chattles, and things of what nature or value soever, for the benefit of such poor children of the parish of St. Margaret, Westminster, as from time to time should be admitted into the said hospital; and that the petitioners had for several years past, been enabled to maintain, cloath, and teach a considerable number of poor children of both sexes; and had, from the time of the first foundation of the said hospital, placed out above 500 children apprentices, some to the sea-service, and others to useful trades, husbandry and housewifery; and that the children then, and many years past, were many more in number than the petitioners could provide for by the yearly subscriptions and collection joined to the certain annual revenues of the said hospital, which together at that time, did not exceed 700*l.* a year; so that, were it not for the casual and generous benefactions the petitioners had received by the bequests of several pious and well-disposed persons, they could not take so many poor children into their care and protection, to be maintained, clothed, and instructed; and therefore, in consideration the annual revenue belonging to that hospital was of so small a value, praying that that corporation might be excepted out of the Bill then depending in that House, for restraining the dispositions of lands, whereby the same become unalienable, or that such provision might be made thereby, that the benefits intended them by the grant of their royal foundress, might be preserved to them in their full extent."

Which Petition was ordered to lie on the table.

April 8. A Petition of the trustees of the several charity schools within the cities of London and Westminster, borough of Southwark and bills of mortality, in behalf of upwards of 5,000 poor children cloathed and educated in the said schools, and also in behalf of all other charity schools in this kingdom, for the education of the children of the poor in the principles of the church of England, as by law established, was presented to the House and read, setting forth:

"That if the Bill then depending in that House, to restrain the Dispositions of Lands, whereby the same become unalienable, should pass into a law without amendment, it would prevent many charitable donations for the promotion of the said schools, which were so far from having any large endowments in land or money, that very few had so much as a school-house; and that, as the voluntary contributions did not equally and regularly answer the constant expences, the trustees in several places have been obliged to reduce the number of their children, and in others the schools had been entirely laid down, for want of means to support them; and representing to the House the great usefulness of those schools; and alledging, that, during the continuance thereof, the petitioners have placed out upwards of 17,000 children, within the said bills of mortality, to apprenticeships in the lower trades, and to menial services, whereof about one half had been put out to such services, besides near 400 bound to the sea-service; and therefore praying the House to except the said charity schools out of the said Bill, or to grant them such other relief as to the House should seem meet."

This Petition was likewise ordered to lie upon the table.

The same day, the Bill, with Amendments, was ordered to be ingrossed; and on the 15th, it was read a third time, and a motion made for its being passed, which occasioned some debate; but upon the question being put, it was upon a division carried in the affirmative, by 176 to 72; and Mr. Gibbon was ordered to carry the Bill to the Lords, and desire their concurrence.

Debate in the Lords on the Mortmain Bill.] The Mortmain Bill was read a first time in the House of Lords, a second time on the 20th, and on the 5th of May, the said House resolved itself into a Committee upon the same, when the chief de-

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bates happened both in relation to the merits of the Bill in general, and in relation to the several particular clauses. Before the House resolved itself into the said Committee

The Lord *Gower* moved for an instruction to receive a clause in favour of the universities, much of the same nature with that proposed in the House of Commons, with respect to the giving them a liberty to exchange the small livings they were, or might be in possession of, for others of a greater value, so as the number of advowsons in the possession of any college, might never exceed the number prescribed by the Bill; in which he was supported by the lord Bathurst, the earl of Abingdon, the earl of Strafford, &c. but upon the question's being put, it was carried in the negative. After the House had resolved itself into the Committee,

The Earl of *Strafford* took notice that the words 'to uses called charitable uses' in the Preamble, seemed to cast some sort of reflexion upon those charitable foundations which had been lately established, none of which, he hoped, their lordships would look on as a public mischief, and therefore he proposed leaving them out, in which he was seconded by the earl of Abingdon, and the bishop of Salisbury; but this Amendment was disagreed to, because some of the late dispositions made to such foundations seemed to be a little extravagant, and even the foundations themselves, if they had not already, might very soon become a public mischief.

The Bishop of *Salisbury* likewise took notice, That, by some words in the first enacting clause, the charitable foundation called queen Anne's bounty, which he hoped was looked on by all their lordships as a most useful and necessary foundation, would be disabled even from taking any sum of money or other personal estate; for by that clause, as it then stood, no sum of money, or other personal estate whatsoever, to be laid out in the purchase of lands, could be given by will to any charitable use whatsoever; and as that society, by their own rules and orders, were obliged to employ all sums of money left to them in the purchase of lands, he was afraid, that every legacy left to them by will, would be within the restraining words of that clause; therefore he hoped some explanatory words would be added in behalf of that society; but this was likewise disagreed to.

The Lord *Hardwicke* took notice, That the general words in the restraining clause might, in some cases, affect purchases for a valuable consideration, therefore he moved, that the following Proviso should be inserted in the Bill, viz.

'Provided always, that nothing herein 'before mentioned, relating to the sealing 'and delivery of any deed or deeds, twelve 'kalendar months at least before the death 'of the granter, or to the transfer of any 'stock, six kalendar months before the 'death of the granter, or person making 'such transfer, shall extend, or be con-'strued to extend to any purchase of any 'estate in lands, tenements, or hereditaments, or any transfer of any stock, to be 'made really and *bona fide* for a full and 'valuable consideration actually paid, at 'or before the making such conveyance 'or transfer, without fraud or collusion.'

This was objected to by some lords, as being unnecessary, and as it would afford a handle for evading the law; for as conveyances of land-estates might be, according to the laws of this kingdom, made by persons on their death-bed, it would be easy for any charitable corporation or body politic, to pay a full and valuable consideration in ready money, at or before the making of any such death-bed conveyance or transfer, and at the same time to have a will made, whereby the sum so paid should be left them by way of legacy, which would be a good bequest; and with that legacy the body politic might replace the money which they had laid out upon the purchase: but it being the general opinion, that such a conveyance and bequest would be interpreted, as made by fraud or collusion, in order to evade the law, and would not therefore be within the proviso; and it being thought, that it would be a great hardship upon all bodies politic, to make void every purchase or transfer they could afterwards make or receive, in case the granter, or person who made the transfer, should, by accident, die within a twelvemonth after such purchase, or within six kalendar months after such transfer, even though really and *bona fide* made for a full and valuable consideration, paid at or before the making of such purchase, or transfer, therefore it was agreed, that the Proviso offered should be inserted, and made part of the Bill.

The Committee went afterwards through the Bill, and ordered their Amendments to be reported to the House; and accordingly, on the 11th, the lord Delawar,

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their chairman, reported the same to the House, when a proposition was made to leave out at the latter end of the first enacting clause, these words, viz. 'And 'unless the same be made to take effect 'in possession for the charitable use in-'tended, immediately from the making 'thereof, and be without any power of 'revocation, reservation, trust, condition, 'limitation, clause or agreement whatso-'ever, for the benefit of the donor or 'granter, or of any person claiming under 'him.' This occasioned a pretty long debate, the substance of which we shall give in the argument upon the Bill in general; but the question being at last put, Whether those words should stand as part of the Bill, it was resolved in the affirmative; and the amendment made by the Committee being agreed to, the Bill was ordered to be read a third time: which was accordingly done on the 13th, and the Bill passed without a division; but the following temporal Lords entered their Protest, without giving any reasons, viz. Abingdon, Beaufort, Oxford and Mortimer, Montjoy, Northampton, Litchfield, Strafford.

The Arguments for the Bill were as follow:

My Lords; As the landed interest of this kingdom has always been our chief support against foreign enemies, and the great bulwark for defending the liberties of the people, against the attempts of ambitious encroaching power, therefore it has always been reckoned a most necessary and a fundamental maxim of our constitution, not to allow any great share of our landed-interest to be vested in societies or bodies politic, either sacred or profane: this maxim appears to be co-eval with our monarchy, and it is expressly established by the great charter; for though grants or alienations of lands to religious houses only, be thereby prohibited, yet this prohibition was founded upon the general maxim, and religious houses only were then mentioned, because alienations to them was at that time the only transgression of this maxim, which had been felt or complained of; but, in the very next reign, in the seventh year of the reign of our great Edward 1, this defect was supplied: and by an express statute alienations of lands to any body politic whatsoever, were forbidden, under pain of forfeiting the same: nay, so sensible was that wise king of the necessity of this maxim, that by the said statute it is enacted, that no body politic shall presume to appropriate to themselves any lands or tenements by any artful or evasive method whatsoever; and of such consequence was the alienation of lands in Mortmain, thought of old, that by one of our old statutes, the writ 'ad quod Damnum,' for alienating lands in Mortmain, was ordered not to be granted but upon Petition in full Parliament.

It is true, my Lords, our ancestors had several reasons for preventing the alienation of lands in Mortmain, which do not subsist at this day. We are not now in any danger of having our lands swallowed up by an ambitious and avaricious clergy, therefore we need not provide so strongly against our lands passing into their hands. The defence of the nation does not now so much depend upon our militia or military tenures, therefore the safety of the nation cannot be brought into so great danger by a multiplicity of such grants: and as our lands are all now held by socage tenure, neither his Majesty, nor any inferior lord under him, can be so much injured by such a grant: but there is another reason which then subsisted, which now subsists, and which will always subsist; for if a great part of the land estates of this kingdom should ever come to be possessed by corporations or bodies politic, it might be of the most dangerous consequence, both with respect to our security against foreign invasions, and with respect to the preservation of our rights and privileges; because it is certain, that a man who has in his own person a particular right to any land estate, which he may transmit to his posterity, will be more daring and active in the defence of that right against a foreign enemy, and more jealous of arbitrary power by which that right may be made precarious, than we can suppose any man will be, who has a right in the lands only as a lessee, or as a member of a corporation. This, my Lords, to me will always be a strong reason for looking with a jealous eye upon the growing property of corporations in the lands of this kingdom: this I take to be now one of the chief reasons for not allowing any bodies politic to purchase lands without the King's licence; and while our laws continue as they stand at present, it is to be hoped that the power of granting such licences will be made use of with great circumspection.

As this power has not yet been too far extended, as we are certain no wrong or unwise use will be made of it during his

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present Majesty's reign, therefore it is not yet absolutely necessary to subject it to any restraint; but, my Lords, there is an evil lately grown up; an evil not founded upon our ancient constitution, but an evil which took its rise from our having departed about two centuries ago, from the common law of this kingdom. I mean the liberty of granting or devising all sorts of land estates by will, and even upon death-bed, not only to the disappointment and disherison of a man's natural and lawful heirs, but to the prejudice of the common good of this kingdom, and in contradiction to that ancient maxim, which forbids the granting or alienating any lands in Mortmain. Happy was it for this nation, and for many great families in this kingdom, that no man had such a liberty in the times of popery and superstition; for if men could have then granted their estates by will, we should never have had such an article as I have mentioned in Magna Charta nor any law against Mortmain, we should never have had a reformation, nay, I doubt much if we should have had a layman of a land-estate in England: but luckily for us, we did not think of this alteration of the common law, till the reformation was not only begun, but pretty far advanced, and those monasteries and religious orders dissolved, who had been for ages the taxers of every dying man's will, and the terror of all his relations.

We know, my Lords, that this liberty of devising land-estates by will, was first established by a statute of the 32d of Henry 8th, which was explained and enforced by another statute of the 34th and 35th of that king's reign. However, by these two statutes there were some restraints laid, or rather left, upon granting or alienating land-estates by will; for a man was allowed to devise but one third part of his lands held by knights service, and there is an express exception made with respect to bodies politic or corporate: so that no man could, by these statutes, devise a land-estate to any body politic or corporate, no not even with the King's licence; but both these restraints are now in a great measure removed; for all tenures having been, by an act of the 12th of king Charles 2, turned into free and common socage, a man may now devise by will all his fee-simple lands if he pleases; and, by an act of the 2d of queen Anne, any person may by will devise his whole land-estate to the corporation for the bounty of queen Anne, and they are enabled to take and enjoy the same, without any licence or writ *ad quod damnum*. So that, with respect to this corporation, every man may upon his death-bed, and even in his last moments, devise his whole land-estate, not only to the disappointment and disherison of his natural and lawful heirs, but to the prejudice of what was of old thought to be the common good of this kingdom, and in contradiction to that ancient maxim, which forbids the granting or alienating any lands in Mortmain, without a writ *ad quod damnum*, which formerly could not be granted but upon a petition in full Parliament.

So careful, my Lords, were our ancestors in preventing the lands of this kingdom from coming into the hands of corporations or bodies politic, ecclesiastical or lay, sole or aggregate, that grants or alienations of lands to any person or persons in trust, and for the use of such bodies, are declared void by a statute of the 15th of Richard 2, and by a statute of the 23d of Henry 8, all grants and alienations of lands, to any person or persons, in trust for any superstitious use, are declared to be utterly void. But, of later times, we have found out a sort of use called a charitable use, for the benefit of which a man may alienate, grant, or devise his lands; so that as the law stands at present, though a man cannot devise his lands to any corporation, except that for the bounty of queen Anne, yet he may now upon his death-bed, and even in his last moments devise his whole land-estate to any person or persons in trust, for the benefit of any charitable use he pleases to appoint.

How we have come, my Lords, in these later ages, to establish so unbounded a liberty of devising land-estates by will, and in Mortmain too, I do not know; but I am sure it is inconsistent with the ancient maxims of this kingdom, and with the laws now subsisting in most countries of Europe; for in Scotland no man can, as yet, grant or devise any land-estate by will: and in Wales, the liberty of disposing of estates by will was so much confined, that they could not, by their last will or testament, freely dispose of their goods and chattels, till an act was made in the 7th and 8th years of the reign of his late majesty king William for that purpose. Though this unbounded liberty may be attended with some conveniences, yet I am persuaded, it often subjects dying persons to great trouble and solicitation, so that many of them have been, and many may be, obliged to purchase the privilege of pass-

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ing their last moments in ease and quiet, at the expence of their natural heirs; which I must call an injustice done to a man's next relations, if they have never been guilty of any thing to deserve being disappointed of that expectation they are justly entitled to by the laws of their country; and it is certain that more law-suits have sprung from this fountain, than from any other regulation in the whole body of the laws of England: this injustice and inconvenience are most emphatically, as well as prophetically, taken notice of by the great Coke, in his remarks upon the two statutes of Henry 8, I have mentioned; where having taken notice, that, by the common law, no lands or tenements were devisable by any last will and testament; 'but now (says he) since Littleton 'wrote, by the statutes of 32 and 34 Hen-'ry 8, lands and tenements are generally 'devisable by the last will in writing, or the 'testament of the tenant in fee-simple, 'whereby the ancient common law is al-'tered, whereupon many difficult ques-'tions, and most commonly disherison of 'heirs' (when the devisors are pinched by the messengers of death, he might have added, some other sorts of messengers) 'do arise and happen.' From these words we may judge, that that great man did not much approve of those two statutes; and if he had been alive at this day, I am convinced he would have much less approved of the statute made in the 2d of queen Anne, which I have already taken notice of.

I am very far, my Lords, from disapproving of all charitable foundations, or of all donations to charitable uses, either by will or by deed; but I am convinced, that our charitable foundations may become too numerous, and that some of those we have already established, may become too rich and extensive, especially if the unlimited power of granting licences, first vested in the crown, by the statute of the 7th and 8th of the late king William, be not cautiously and moderately used. However, as no wrong use has yet been made of that power, as there is no appearance or suspicion that a wrong use will be made of it, there is therefore no present occasion for laying any restraint upon it, or for laying any restraint upon those donations which are made to corporations or charitable uses, by men in full health and vigour, and to take place immediately upon the executing of the writings for that purpose; but as for those donations which are made by will, or by any deed in the nature of a will, and not to take place till after the death of the donor, I am of opinion, that it is high time for us to re-assume the maxims of our ancestors, by restraining this testamentary power with respect at least to land-estates; for, by the specious pretence of charity, the solicitations of those who are interested in charitable foundations, and the pride and vanity of donors, it is to me highly probable, that too great a part of the lands in this kingdom may soon come to be in mortmain, to the prejudice of the nation in general, and to the ruin or unjust disappointment of many a man's poor relations; for I cannot but think that a man's heirs at law have some sort of natural right to succeed after his death, at least to his land-estate, unless they have forfeited that natural right by some sort of unnatural behaviour; and I cannot think it any charity in a man to give, even to the most charitable use, that which he cannot in himself either possess or enjoy: the giving of any such charity I shall always look on rather as an act of injustice towards the heir at law, than as an act of charity in the donor; and as the giving of land-estates in such a manner, is contrary to the ancient maxims of the kingdom, and may be of dangerous consequence to the public, I think it ought to be prevented. This is what is intended by the bill now before us, and therefore I am most heartily for its being passed into a law.

The Answer was in substance as follows:

My Lords; That we have very ancient and very strong laws against granting or alienating lands in Mortmain, is what I shall not deny, nor have I, at present, any occasion for so doing; but the chief reasons for enacting those laws were such as do not now, nor I hope ever will again subsist in this nation. We know, that while Popery was established in this country, all the lands which the priests regular or secular, could once get possession of, became not only unalienable, but were in a manner torn off from the commonwealth, and dismembered, as it were, from the body of the society; for they were rendered for ever free from public taxes, or from being obliged to contribute any thing towards the safety or defence of the kingdom; and as the priests were more properly the subjects of the pope of Rome, than of the king of England, every enlargement of their possessions was an encreasing of the power of a foreign prince, in the very

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bowels of the kingdom. This was the chief and the strongest reason for preventing the alienation of any lands to them; and there was another reason of a private nature, which was good against alienations either to lay corporations or ecclesiastic: I mean the damage that might accrue by alienations in Mortmain, to the lords of whom those lands were held; for the lord was thereby for ever deprived of all those profits and services which were or might become due to him by the nature of the tenure; but as neither of these reasons now subsist, as no lands alienated in Mortmain can now be freed from any of the public taxes, and as no private man can suffer by any such alienation, we have not so great cause to guard against alienations in Mortmain.

I shall grant, my Lords, that a man who has a particular right to a land-estate, which he may transmit to his posterity, will probably be more concerned about the preservation of that right, than about preserving a right which he has in lands, only as a member of a corporation; but every man, who has a concern in the management of a corporation, has some property of his own, and the preservation of that property will make him as daring and active against a foreign enemy, and as jealous of arbitrary power, as his nature and constitution will admit, which is all that could be expected of him, were he the proprietor of those lands, in which he has only a right as a member of a corporation; so that if all the lands in England were in the possession of corporations, I believe the people would be as ready to defend themselves against a foreign enemy, and as tenacious of their liberties and privileges as they are at present: And as for our religious corporations, besides the concern which every member must have for preserving the private property he possesses, if he has any regard for the religion he professes, he must have a more than ordinary concern for preserving the nation against foreign invasions, and for preserving our happy constitution; for by the success of any foreign invasion, the established religion would certainly be destroyed, and it would be in a very precarious situation, if it should ever come to depend upon the variable will of an arbitrary prince: from whence I must conclude, that neither the safety of the nation, nor the preservation of our constitution, is much concerned in preventing the alienation of lands in Mortmain.

The only reason I can suggest to myself for restraining the alienation of lands in Mortmain, is, lest any one particular corporation should, by getting a great deal of land in their possession, become so powerful, as to be able to prescribe laws to the whole kingdom; and I am sure there is not at present, a corporate body in the kingdom from which any such danger is to be apprehended; nor can such a danger arise in any time to come, while our present laws against alienations in Mortmain continue in force; for as no corporate body can purchase or hold a greater quantity of land than they are now entitled to purchase, without a new licence from the crown, it will always be in the power of the crown to put a stop to the purchasing of more lands by any particular corporation, whenever it shall be thought proper; which we may assure ourselves the crown will always do, long before any such corporate body arrives at a dangerous pitch of riches and power. With respect therefore to alienations of land in Mortmain, I can see no reason for any new law against them, or for laying any further restraint upon them.

Now, my Lords, with regard to the granting or devising lands by will, it is certain, that by several late statutes a much greater latitude is allowed in that way, than was allowed by the common law; but we very well know the two chief reasons why no such devises, except with respect to burgage tenures, were allowed by the common law. The first proceeded from the nature of our ancient tenures; for as all our lands were granted to men and their heirs, for certain services to be performed to the lord or granter, it was thought necessary the land should descend to the heir, in order to enable him to perform those services to his lord; so that the first grant was looked on as a sort of entail, for the tenant in most cases could not so much as alienate the lands, even in his life-time, without the consent of the lord; the nature of the tenure therefore disabled him from disposing of his fee without the consent of his lord, and if he had time to obtain the consent of his lord, for granting his fee to any other person except his next heir, it was as easy for him to do it by deed as by will; for which reason, while things continued in that situation, it was quite unnecessary to give any man a power to dispose of his land-estate by will, even though he should obtain his lord's consent for so doing. The other reason pre-

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ceeded from the nature of the Popish religion; for in all countries where that religion is established, the monks and friars insidiously watch the last moments of every dying person, in order to terrify him into the giving great legacies to their respective fraternities; and as some of the tenets of that religion are most artfully adapted for making men very generous to the church in their last moments, the lawgivers of this country, as well as most other countries, took care that it should not be in the power of those priests to make themselves the heirs as well as executors to any dying person.

But now, my Lords, both these reasons are removed from this happy kingdom; and therefore I think the natural right a man has to dispose of his own, at what time and in what manner he thinks most proper, ought to take place. It is certain, that a power to dispose of a man's estate at his death, in such manner as he may then think best, is a great incitement to industry and frugality, and consequently a great encouragement to trade in every country where it is established; and we may observe, that the trade and riches of this kingdom has increased more in the two centuries since this natural right was restored, than it did in many ages before. It is a power that is coveted by every man, because when he has any estate, and a power to dispose of that estate by will, while he lives he may expect to meet with a proper regard and attendance, both from his next relations and all those who happen to be near him; whereas, take this power from him, and he may very probably, in his last sickness or extremity, be neglected by his next heirs, and despised by all his servants. For this reason, if you lay any restraint upon a man's disposing of his land-estate by will, it will certainly prevent many from laying out any part of their money upon land, which will of course sink its value; for the value of lands, as well as of every other commodity, depends much upon the number of buyers that happen to be in the market. Even our ancestors, my Lords, notwithstanding the dangers and the apprehensions they were under from the insidiousness of Popish priests; yet so sensible were they that this power of disposing of our estates by will, was an encouragement to trade, that, by the customs of all our trading towns, and wherever the tenure would admit of it, even lands were devisable by last will: I mean those lands which were held by burgage-tenure; and though sir Edward Coke does seem to throw some reflexion upon making other lands devisable by will, yet we know it to be an axiom in law, as old as the common law of England, that 'Interest republicæ 'suprema hominum testamenta rata haberi;' which axiom that great lawyer has mentioned with a seeming approbation. I shall grant, that the power of disposing of a land-estate by will, may subject a man upon his death-bed to many solicitations and great importunities; by which some men may be, in a manner, forced to disappoint their natural heirs, though this last I believe seldom or ever happens, except where such heirs have been guilty of some misbehaviour, or at least of some imprudence; but there is no convenience in this life without some inconveniences attending it: The possession of a great estate, or of great power, subjects a man to many solicitations and much trouble, yet no man would give up a great estate, in order to avoid such solicitations, and very few would refuse to accept of a great employment, because of the trouble attending it. If this argument were good, against leaving it in a man's power to dispose of his land-estate by will, it would likewise be a good argument against leaving it in his power to dispose of his personal estate by testament, and therefore it might be said, we ought to return to the ancient Welsh law, which was abolished by an act of the late king William. In the same manner, if the multiplicity of law-suits occasioned by devises of land, could be a good argument against admitting of any such devises, it would likewise be a good argument against admitting of any property; because it is certain, if there were no property there could be no law-suits. But the conveniences attending property, as well as the conveniences attending the free disposal of that property, are much greater than the inconveniences, and therefore both ought to be established and preserved in every well-regulated society: Nay, in most, I believe in all societies, a greater latitude has been given, and more favour shewn to the disposing of estates by will, than to the disposing of estates by deed: In this country we know, that a more benign and favourable interpretation is put upon the words of a will than on those of a deed; and persons under the age of 21 are allowed to dispose of their estates by will, though they are not allowed to dispose of them by deed; besides several other privileges with respect to wills,

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all which it would be too tedious to mention.

Having thus, my Lords, shewn that there is now no danger to be apprehended from alienations in mortmain, or from a liberty of devising land-estates by will, I must next beg leave to take notice of that particular sort of devises which is to be restrained by the Bill under our consideration; and here I hope your lordships will excuse me, if I say a few words in favour of charity. I am sure it does not stand in need of an advocate with any lord in this House; but as the Bill now before us will, in my opinion, be a great obstruction to all charity for the future, I think myself obliged to say something in favour of that amiable and useful virtue. To assist the widow and fatherless, to relieve the unfortunate and distressed, to give bread and employment to the indigent and industrious, to nourish the tender infant, and succour the helpless old, are actions in a private man, which I am sure, will always meet with a general and just applause; and if they are commendable in a private man, surely they are not so abominable when performed by the public, as to deserve being prohibited by a public law. On the contrary, we find that in all countries, and in all ages, a proper care of the poor, and proper hospitals for that purpose, has always been taken notice of as a certain sign of a wise and good magistracy, and of a well-regulated commonwealth. I am sure I have often heard it told to the praise and honour of a neighbouring republic, that a native of their country is seldom or ever seen begging in the streets; and but very lately in this House I heard great encomiums thrown out upon a certain set of people in this kingdom, for that they took a particular care of their poor. Now, my Lords, if it be a good and laudable thing in a state, if it be a good and laudable thing in any private society, to take a proper and effectual care of their poor, what can we think of a law in any kingdom for preventing its being ever in their power, in a public way, either to supply the poor, or relieve the distressed? In no country, in no society can this be done, in a public way, without a public fund for that purpose; and the larger the fund is, the more effectually and the more generally will the poor be supplied, and the distressed relieved: Therefore in every country and in every society, there ought to be some such public fund; and till that fund be grown fully sufficient to answer the purposes designed, surely no methods ought to be taken to prevent its encrease.

We have, it is true, my Lords, many and great hospitals in this kingdom, but they are far from being sufficient for the purposes designed. To nourish and feed our children, to educate them in the true principles of religion and morality, and to breed them up to some trade or employment, by which they may provide for themselves, and be useful to society, are duties incumbent upon every parent; but when the parents are dead, or rendered unable to perform those duties to their children, the children then become the children of the Commonwealth, and those duties ought to be performed by the public. Let us take a view of the several parts of this great city, or of any part of the kingdom, and we may see that the hospitals we have for poor children are far from being sufficient for all the poor children who have no parents, or whose parents are unable to provide for them. To support a decayed and decrepid parent, who through age or infirmity is not able to provide for himself, is a duty incumbent upon his children, but when he has no children, or such as are unable to discharge that duty, it then becomes a duty upon the public; and though we have several hospitals for the old and infirm, I am sure they are far from being sufficient for the purpose. In the same manner we shall find that our hospitals for sick and wounded, and our hospitals for mad-men and ideots, are far from being sufficient for providing for all such objects of charity: and when we find there is such a deficiency in every branch of public charity, I must think it both uncharitable and unwise to make a regulation which will very much prevent the increase of every one of our public charitable funds.

Among our many other charitable foundations, I hope it will be granted, that the public charity established by her late majesty queen Anne, for augmenting the maintenance of ministers of the established church not sufficiently provided for, and from thence called 'The Corporation for 'queen Anne's Bounty,' is a necessary and useful foundation. The distressed and narrow circumstances of many pious and worthy clergymen of the church of England, is an evil and a scandal that has been often taken notice of, and heavily complained of; therefore, in order to provide a cure for that evil, and to remove that

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scandal from the nation, her most gracious Majesty, by authority of an act of Parliament, did establish a corporation, upon whom she settled the first-fruits of all benefices spiritual, and by the same act of Parliament any person is enabled to grant to the said corporation any real or personal estate; all which they are to apply to the augmentation of the maintenance of ministers of the church of England, having no settled competent provision, to be applied according to the will of the benefactor, or in such manner, and according to such rules, as should be appointed by their charter: accordingly, divers rules and orders were settled by her said late Majesty, by some of which rules and orders, the augmentations to be made were directed to be by way of purchase, and not by way of pension; and the stated sum to be allowed for the augmentation of each cure, was limited to 200*l.* and the corporation was empowered to give the said sum only to cures not exceeding 35*l.* per annum, (which was by authority of his late Majesty king George 1, enlarged to 50*l.* per annum) but this sum of 200*l.* each, is first to be applied to those cures not exceeding 50*l.* per annum; where any person will give the same, or greater sum or value in lands or tythes to the same cure. Now, my Lords, let us consider the proper fund of this charity, and the uses for which it is intended, in order to see whether the fund is any way sufficient for answering the design. The only proper fund they have, is the revenue of the first-fruits and tenths, which was granted them by the late queen Anne, and which does not amount to 14,000*l.* a year; the uses to which this fund is appropriated, are the augmentation of all the livings in England under 50*l.* a year; and as it is computed there are above 5,500 such livings in England, we must conclude that it will be above 300 years before they can make any proper provision for all those of the clergy, who have not a settled competent provision; and I am sure every one of your lordships must think, that it would be a great scandal upon this rich and opulent nation, to leave many of their poor clergy almost in a starving condition for such a great number of years: this, the Parliament which established the corporation, seemed to be fully sensible of, and therefore they enabled them to take donations in land as well as money; and if we are now of the same sentiments, we must be of opinion, that this public charitable fund, like all the rest, is far from being sufficient for the good purpose intended.

It being thus apparent, my Lords, that every society ought to support the poor, and relieve the distressed members of their society, and it being impossible to do this without proper and sufficient funds for that purpose, therefore it is certain, that in every well-regulated society, they will endeavour, as much and as soon as they can, to establish such funds: and it being likewise apparent, that no one of our public charitable funds is sufficient for the purpose for which it was designed, it must be inconsistent with good polity at least, to make any regulation, which will very much retard, if not entirely prevent the increase of either of them. That the Bill now before us will very much retard the increase of any one of our charitable funds, is evident; for it puts it out of the power of any man to give charity at that very time, when all men are most apt to give charity, which is when they find themselves drawing near to the gates of death, and begin to despise those riches and estates, which they were so fond of, while in health and vigour, that no consideration could prevail with them to give away the most inconsiderable part: this of itself would, in my opinion, be a very great bar to the leaving of any estate in land to a charitable use; but to make this prohibition extend to charitable donations granted either by will or deed, by persons in full vigour and health, and to make them also void, unless made to take effect in possession for the charitable use intended immediately from the making thereof; and also, unless they be made without any power of revocation, reservation, trust, condition, limitation, clause or agreement whatsoever, for the benefit of the donor or granter, or of any person or persons claiming under him, will certainly be an absolute bar to the leaving of any land-estate to a charitable use; for no man will in his life-time grant away his estate in such a manner, even to the most charitable use he can think of; because, in case he did so, he might come to want charity himself before he died, which is a danger no man will expose himself to; and therefore, unless these words be left out, I shall look upon this Bill, not as a Bill to prevent the granting of land-estates to charitable uses by will, but as a Bill to prevent the granting of land-estates by will or deed, or by any manner of way, to any charitable use whatsoever; and I cannot think our charitable foundations have as yet posses-

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sion of such a quantity of land, as to afford the least shadow of reason for passing such a bill.

But farther, my Lords, with respect to the corporation for the bounty of queen Anne, this bill, as it stands at present, will not only be an absolute bar to the granting of any land-estate to them, but I am afraid it will be an absolute bar to the leaving of any legacy in money, or other personal estate to them; for as no sum of money, or other personal estate, to be laid out or disposed of in the purchase of lands, is to be hereafter given to any body corporate, except in the terms prescribed by this bill; and as by the rules of that society all sums of money given to them, are to be vested in the purchase of lands, I am afraid all legacies left to them will be made void, as sums of money given to be laid out in the purchase of lands; nay, I am afraid, if any gentleman should give them 200*l.* in money for augmenting any small benefice in his neighbourhood, and should die within 12 months after, that the corporation would be obliged to return the 200*l.* to the gentleman's executors; therefore I hope, if this bill passes into a law, some words will be inserted, or some clause added, for explaining this point in favour of the corporation; for I hope we have not so far changed our sentiments with regard to this corporation, as to make it the least favoured, instead of being the most favoured charitable foundation in England.

Since the charitable funds we have in this country, are not sufficient for the good purposes intended, or for answering those ends which ought to be answered in every well-regulated society, I have said, my Lords, that it would be inconsistent with good polity, to make any regulation, by which the increase of those funds might be retarded, or perhaps intirely prevented; and this, I think, I have shewn will be the certain effect of the bill now before us. To this let me add, that with regard to good polity it signifies nothing, whether the grant or donation, be a charity in the donor, or not; therefore we have at present no occasion to enquire, whether it be a charity or not in a man, to give to a charitable use, that which he can no longer possess or enjoy. I shall grant, that a death-bed charity, or a donation to take place after a man's death, has not the same merit with that charity, which a man gives away in his own life-time; but even the former is not without its merit; for if it proceeds from a regard for the public good, and for the honour of one's country, or from a fellow-feeling in the misfortunes of mankind, it is certainly highly commendable; and even, supposing it proceeds from the pride and vanity of the donor, which we ought not in charity to suppose, yet as long as our charitable foundations stand in need of any increase, it ought for the sake of good polity to be encouraged, in all cases where no real injustice is thereby done to any particular member of the society.

This, my Lords, naturally leads me to consider the right which a man's next heirs or next relations have, to the estate he has acquired by his industry and frugality; with regard to which, I shall grant, that a man is obliged to support his relations under misfortunes, and even at his death to leave them wherewithal to support themselves, in order to prevent their becoming a burden upon the public; but that he is obliged by any law in the world, to leave a great and opulent fortune to every one, or to any one of them, is what I believe no man will pretend. If a man dies without disposing of his estate, the law, it is true, gives it to his next relations, according to those rules, which have been established in each respective country; but this does not proceed from any right which the relations had to that estate before the death of the owner, but from a presumption, that it was his desire to have his estate so disposed of; for it is a quality inseparable from property, that the owner may dispose of it as he pleases; and therefore, if a man's relations, or any one of them, forms an expectation of his estate independent of, or contrary to his will and intention, it is an unjust expectation, an expectation, in which he may disappoint them without being guilty of the least injustice. They have no natural right to any greater share of his fortune, than he pleases to bequeath them, and the giving them any legal right, would be the cause of a great deal of unnatural behaviour.

To conclude, my Lords, if a death-bed donation, or a donation to take place after a man's death, proceeds from a sincere regard to the public good, or a true sense of the misfortunes and distresses of our fellow-creatures, it is a real charity, and I must think it both uncharitable and unchristian, to prevent its being granted: And if it proceeds from the pride and vanity of the donor, which I hope it seldom does, yet, while our charitable foundations stand in need of any increase, while there

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is any object of charity in the kingdom unprovided for, I must think it inconsistent with good polity, and derogatory to the honour of the nation, to prevent its being granted: For which reason, I must be of opinion, that, as a good Christian, and as a good subject, I am obliged to give my negative to this bill.

The Reply was to this effect:

My Lords; That our ancestors had many and strong reasons for preventing the alienation of lands in Mortmain, is apparent from the great care that was taken from time to time, to prevent all the artifices contrived for evading the established laws of the kingdom; for no sooner was any new artifice discovered, than a new law made for preventing it in time to come. What particular reasons they had, besides those we now have, are not of any significancy in the present question; but if it were necessary, I could shew, that the particular reasons mentioned could never have been sufficient for such a general prohibition, as we find established by our ancestors, if they had not likewise had under their consideration those general reasons which now are, and always have been good reasons against admitting of such alienations: I mean those reasons, which are founded upon the security, the aggrandizement, and the happiness of the Commonwealth in general.

With respect to the security of the kingdom, it is certain that this nation, as well as every other nation, has always owed its security against foreign invasions, chiefly to the landed men of the country, who must necessarily be more zealous in the defence of their country, than persons possessed of any other sort of property; because the lands are always seized upon by the conqueror; whereas, with regard to those who are possessed of a personal estate only, if they escape the first plunder, they are generally left in possession of what formerly belonged to them. Now I shall grant that the managers of corporations must be possessed of some personal estate of their own, but it is not necessary to suppose, nor can it be supposed, that they are all possessed of land-estates; therefore it is not to be presumed, they will be so zealous in the defence of their country, for the sake of preserving the lands belonging to the corporation, as they would be, did those lands belong properly to themselves; and a few indolent or luke-warm managers might prevent the corporation's giving any proper assistance to their country, even in a time of the utmost distress. In the case therefore of a foreign invasion, it would be of the most dangerous consequence, to have a great part of our lands in the possession of corporations; and in the case of any attempt upon our liberties the consequence would be fully as dangerous; for the history of the great charter upon which the laws of Mortmain are founded, and many other remarkable events shew, that our noble and ancient families have been the chief supporters of our liberties; for this obvious reason, because they are always the first sacrifices to tyranny; therefore it would be most ridiculous to admit of an unlimited alienation of lands in Mortmain, by which it might at last become impossible for us to have a noble or ancient family in the kingdom: besides we know by experience, that corporations of all kinds are more easily managed and influenced by a government, than any equal number of individuals; and they have upon all occasions, shewed themselves less jealous, of those steps which seemed to tend towards the establishment of arbitrary power.

Another great danger which is most justly to be apprehended from too great a liberty of granting or alienating lands in Mortmain, is, lest any one particular society should thereby become so powerful, as to be able to prescribe laws to our government, and by that means overturn our constitution. This is a danger which seems to be fully acknowledged by the noble Lords, who have spoke on the other side of the question; but say they, this danger is no way to be apprehended, while our present laws against alienations in Mortmain continue in force; because no new purchases can be made without a licence from the crown. My Lords, it is from that very cause that I apprehend a danger may arise, and if not prevented, may become unavoidable before it be discovered. The crown, it is true, had before the revolution assumed a power of granting licences; but the crown had never an established unlimited power of granting licences to purchase or hold in Mortmain, till the act of the 7th and 8th of king William already mentioned in this debate. While we have the happiness to be under such a wise king as his present Majesty, we can have nothing to fear; because a king who looks into his own affairs, will never

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allow any society to become too powerful for himself; but we cannot hope to have always the same good luck; and if a king should give himself up to the sole management of any one favourite, that favourite may get himself established at the head of a powerful corporate body or society, and may then find it proper for his own particular interest, to make that society as powerful as he can, by granting as extensive a licence, or as many licences as they can desire: if such an administration should continue for any great number of years, the society might become so powerful, that it would become very dangerous for any future minister or even for any future king, to refuse them as many more; and we know how ready all men, but especially ministers, are to comply with any present exigency, rather than run themselves into immediate danger, by encountering a growing evil.

In this country, as well as in every other country, we may look upon all the clergymen of the established church, to be members of one and the same society or corporate body; for though they are not united by any one royal charter, yet there is a sort of unity established among them by the laws of the kingdom, and founded upon an authority superior to that of any earthly king; from whence we may suppose, that they will always unite their force for encreasing the power of the society; and we know by experience how generally and how closely they have joined against measures, which their leaders thought might tend to the diminution of their power, or towards preventing its increase. Now, my Lords, suppose we should in some future age have a weak prince upon the throne, a prince wholly guided by one favourite, and that favourite a prelate, who had got the management of the clergy almost entirely under his direction; can we suppose that such a king, and such a minister, would ever refuse to grant a licence to any ecclesiastical corporation either single or aggregate? and the certain consequence would in my opinion, be that if such an administration should continue for any number of years, the temporal power of the church, by means of their lands and other possessions, would become as much superior to the state as ever it was in any of the ages of popery and superstition. In such a case, our constitution would be entirely overturned; and though the present clergymen of our established church have not generally the least tincture of a persecuting spirit; yet if their successors should get into their hands the whole power of making laws, as well as of putting them in execution, it is much to be feared, that a persecution, or perhaps an inquisition, would be set up under the banners of the church of England as bloody and cruel as any that was ever set up under the banners of the church of Rome.

Thus, my Lords, I have shewn, that with respect to our established church, it may, by means of that unlimited power of granting licenses to purchase in mortmain, now vested in the crown, become so powerful, as to be able to prescribe laws to the whole kingdom. But when I talk of the established church, why should I mention the granting of them any licence from the crown? They have already, I may say, an unlimited licence by act of parliament: So forgetful have we of late been of the maxims of our ancestors, that we have granted them such licences by law, as would enable them to purchase, in time, the whole lands of the kingdom, without so much as any one licence from the crown. By an act of the 17th of king Charles II. every parson and vicar in England, whose settled maintenance does not amount to 100*l.* per year clear, has got a liberty to purchase lands, to him and his successors, without any licence in mortmain, and what is most extraordinary, without stint or controul. Which act of parliament by itself alone, with a little management, would enable our church to purchase all the lands in England, without being obliged so much as to ask a licence from the crown; for we have been told in this debate, that there in England above 5,500 livings under 50*l.* a year, and computing there are 2,000 only above 50 and below 100*l.* a year, we must from thence reckon there are in England 7,500 ecclesiastical sole corporations, who have by that act a liberty to purchase as great a quantity of land as they please, without any licence in mortmain.

Then, my Lords, by a still more extraordinary act in the late queen's time, all the clergymen of the church of England are in some manner united into one corporation, and that corporation is not only enabled to purchase lands in mortmain, without any licence from the crown, but is provided with a very large and a perpetual yearly fund for that purpose; for the first-fruits and tenths, settled upon them by that act,

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bring in already at least 14,000*l.* per annum, and will, in a very short time, bring in 20,000*l.* per annum: but farther, my Lords, lest that happy event of their being made the masters, and lawgivers of their country, should be too long postponed, every man in England, nay every woman in England, is by that act enabled to give them by deed, and even by will, the whole estate real and personal, which he or she may die possessed of, and such estates the corporation are rendered by that act capable to hold and enjoy without any licence *ad quod damnum*, and notwithstanding the statute of Mortmain. And I must particularly take notice, that neither by that act, nor by any other act, is there a period put to the continuance of that corporation: it is made a perpetual corporation, with leave to take lands by will, and purchase lands without stint, limitation, or licence, and it is provided with a large annual and perpetual fund for that purpose; so that, by the very nature of things, as all the lands they can get hold of, become unalienable, our Church must necessarily at last, by means of that corporation, become mistress of all the land-estates in England. If we consider the many and powerful solicitors they have about dying persons, and the present prevailing madness of perpetuating one's memory, by leaving a large estate to some body politic, we must conclude, that unless a stop be put to it, this event is not at such a distance as some may imagine; and I must say, the corporation has established a most excellent rule for this purpose: they have resolved not to purchase any thing but land, they have resolved not to content themselves with any pension or annuity issuing out of lands, but to be absolute masters of the lands themselves.

What I have said, my Lords, upon this subject, is not with a design to throw any reflexion upon the established Church, or to diminish the credit of our established clergy. No, my lords, I hope their credit among the people of this kingdom will always be as considerable as it ought; but I hope that credit will always depend, not upon their possessions, but upon the purity of their doctrines, and the sanctity of their lives. As I am myself an unworthy member of the Church of England, as by law established, I must love and reverence that establishment; and for this very reason, I shall always be against vesting any great possessions in the church. I have as great a desire as any man, to see our clergy all comfortably and honourably provided for; but that provision ought not to be made to arise from possessions of their own, but from the annual contributions of the people; for if ever the clergy of our established Church, should come to be possessed of many and large estates in land, as the popish clergy of this kingdom formerly were, it will be a temptation to some ambitious and enterprising prince, like our Henry 8, to overturn our established Church, in order to get hold of their opulent possessions. This very thing was, I believe, one of the chief causes of the reformation; for though most of the common people had embraced the reformed religion from principle and a sort of enthusiasm, yet I am persuaded, that many of our great men embraced the first doctrines of the reformation, and joined with their prince in getting them established, not from principle, but in order to share with him in the spoils of the then established church; and as like causes always produce like effects, therefore as a sincere member of the present established church, and from a thorough and true regard to her doctrines, I shall always be for limiting and restraining her possessions, especially in land, or any other sort of revenue but what depends upon the yearly contributions raised by law upon the people.

Now, my Lords, with respect to the aggrandizement and happiness of the commonwealth in general: ever since we began to understand any thing of trade and commerce, it has been an established maxim in this kingdom, not to allow our lands to be settled unalienably even upon private families, and much less upon bodies politic; and the reason of this maxim is very plain; because after a man by his industry or trade has saved as much as puts him above the fears of want, an ambition of establishing his family in the kingdom, then begins to take place; this raises in him a desire of purchasing some land-estate; and this desire promotes his industry, and makes him continue his trade: whereas, if he could have no hopes of getting any land-estate to purchase, which might be the case, if the greatest part of our lands were settled in Mortmain, he would either give up his trade, or he would go and establish himself and his family in some foreign country, where he could purchase a land-estate. From hence it is evident, that the allowing of any

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great part of our lands to be settled in Mortmain, would be a great discouragement to our trade, upon which the grandeur and happiness of the nation very much depends, and might rob us of a great many of our richest merchants. To this I must add, that nothing has contributed more to the improvement of our lands, and the beautifying our country, than the great number of gentlemen's seats we have in every part of the kingdom; whereas, if our lands should all become the property of corporations, our fine country seats would all go to ruin, and a great stop would be put to all farther improvement; for no man will be at so great an expence or trouble in improving a leasehold estate, as he would be, were he the tenant in fee.

I have already shewed, my Lords, how much we are exposed by our laws, as they stand at present, to the danger of having our lands engrossed by ecclesiastic corporations, and of what fatal consequence that might be to the security and preservation of our constitution. With regard to our lay corporations, as they are not as yet united into one body, it cannot be said, that our constitution or government can be in any danger, from any possessions they may acquire; but the trade and commerce of the nation, the improvement of our lands, and the beauty of the country, will be as much injured by their acquisitions, if they become considerable, as by acquisitions made by the church; and it is certain, we have of late years widely departed from the maxims of our ancestors, with respect to lay corporations as well as ecclesiastic. The first breach was made by an act of the 39th of queen Elizabeth, by which any person was enabled, within 20 years then next ensuing, by deed enrolled in chancery, to erect and found an hospital or house of correction: and every hospital so to be founded, was by that act incorporated, and empowered to purchase lands not exceeding 200*l.* per annum without licence, and notwithstanding the statutes of Mortmain. This extraordinary step was at that time something necessary, because our poor had then no sort of provision made for them by law, they had been before that time taken care of by our monasteries and religious houses, and were left entirely destitute of any public support, by the dissolution of those monasteries and religious houses; but by an act of the 43d of the same queen's reign, the present method of obliging every parish, hundred, or county, to provide for their own poor, was established; which method, if properly regulated, and rightly pursued, would, in my opinion, make all public hospitals useless. But it seems the contrary opinion prevailed soon after the revolution; for in the 7th and 8th of king William, that act was passed, by which the crown got an unlimited power of granting licences to alien and take in Mortmain; and the act was entitled, 'An Act for the encouragement 'of charitable gifts and dispositions,' which was, it seems, the pretence made use of for granting that power to the crown, and therefore it was, I presume, a favourite pretence at that time. This has made it very easy to set up any new corporation, and has made it easy for every old corporation to extend their dominions almost as far as they please; so that I think we are in danger of having the greatest part of our lands swallowed up by some corporation or other, unless a stop be put to it in time; and if ever this should come to be our case, we may then bid adieu to our trade, and to all future improvements.

But, my Lords, the danger of having our lands swallowed up by corporations, ecclesiastic or lay, is not the only danger we are at present exposed to: there is a new sort of Mortmain lately set up, a new gulph opened, under the name of charitable uses, which may be said to be without either bottom or bounds, and which will certainly swallow up that remnant which may be left by the others; for by the laws, as they stand at present, any person in the kingdom may, in his last moments, devise his whole land-estate in trust for charitable uses; the representative of the most ancient family in England, if he be tenant in fee-simple, may disappoint his natural heirs, and utterly ruin his family by such a devise, and that at a time when very few men can properly be said to be in their right senses. If we consider that all such charities are generally left, or come to be under the management of some one clergyman or another, we must from thence conclude, that we have now the same reason to prevent such devises as our ancestors had; for what was the reason of the Popish clergy's watching so insidiously the last moments of every dying person? Was it not in order to get some legacy for encreasing the riches and power of the church in general, they having no private families of their own to solicit for? And if the riches and power of our present church be encreased by donations, to what are called

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pious and charitable uses, are we not to suppose that our clergymen will soon begin to watch the last moments of every dying person, as insidiously as ever the others did, if we lay a foundation for, or leave any hopes of success from such watchfulness? The clergy of our church as now established by law, are but men, and men are, in all ages and in all countries, generally speaking, endued with the same passions, and the same affections: It is education and opportunity only, that makes the difference. The opportunity is already given, and their education will soon begin to be turned towards making the best of that opportunity, if not speedily prevented. Arguments for such donations will never be wanting, when men are pinched by the messengers of death: nay, many weak men may, at such a time be made to believe, that such a donation will be an atonement for a whole life spent in wickedness and oppression.

Having thus laid before your lordships the dangers to which we are now exposed, by having departed from the maxims of our ancestors in relation to Mortmain, give me leave to examine a little the reasons which have lately prevailed for exposing ourselves to such dangers. The pretence is piety and charity; but if it should come out, that there is neither piety nor charity in erecting such magnificent and rich hospitals, I hope we will then begin to think, there is not the least shadow of reason for our leaving the nation exposed to any danger upon that account. True piety and real charity are virtues highly commendable, they are virtues which I shall always esteem and encourage as much as lies in my power. To assist the widow and fatherless, to nourish the tender infant, and succour the helpless old; in short, to relieve the poor and distressed, who cannot provide for themselves, is a duty incumbent upon every society, as well as upon every private man: but, my Lords, this duty is to be discharged with great caution, and with great circumspection; for if we mistake the objects of our charity, if by giving what we call charity we encourage laziness, idleness, and extravagance, in the persons to whom we give it, or in others, the action is so far from being pious, charitable, or commendable, that it becomes impious, ridiculous, and injurious to our native country. This, my Lords, is the footing upon which we ought to place the present debate; the dispute is not about providing for our poor, but about the manner in which they ought to be provided for. If I thought, my Lords, that any real object of charity in the kingdom would, by this Bill, be disappointed of that relief which the nation ought to give, or he had any title to expect, I should be for rejecting it with the utmost indignation; but the scope of the Bill I take to be, to prevent men from ruining their families for the sake of establishing such charitable funds as I am sure never will, nor ever can, be properly applied.

I shall readily admit, my Lords, that the poor cannot be relieved in a public way, without a public fund for that purpose; but I am surprised to hear it said, that we have not in this nation a public fund sufficient for the relief of all the objects of charity that are now, or ever can be in this kingdom, unless our lands should be all swallowed up by corporations and charitable uses. Do not we know, that by the laws relating to the poor, every parish is obliged to support and relieve their own poor; and if any one parish should, by some extraordinary misfortune, be disabled from doing so, the whole hundred must be taxed for that purpose? Nay, if the hundred should be unable, the whole county must be taxed: And thank God, there is not as yet a county in England but what is sufficiently capable of maintaining their own poor: but even if such a case should happen, we have a method provided for supplying the deficiency, which is by the granting of charitable briefs; by which method we may bring the whole nation in aid. It is not therefore for want of a public fund sufficient for all charitable purposes that hospitals have been set up: The setting up them must have proceeded from some other cause; but let the cause be what it will, it is certain they have increased prodigiously within this last century; so that we have now in this nation two methods of providing for our poor, one by putting them into those hospitals founded for that purpose, and the other by obliging their respective parishes to take care of them; and which of these methods is the best, will appear by considering the state and nature of mankind.

It is certainly the interest of every society to encourage industry and frugality among their people, especially those of the poorer sort, and as most men are compelled to be industrious and frugal by necessities, it is not therefore prudent in any state to prevent, in any great measure, all those necessities. The support of nature

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is what forces every poor man to labour, and he may perhaps supply this necessity by working hard two or three days in a week; so that if he were under no other necessity, he would probably sit idle all the rest of the week; but then every prudent man considers, that while he is in vigour and health, he ought to provide for old age and sickness; and every man, who has any natural affection or compassion, will provide for his children, and even for his relations and friends in distress, in the best manner he can: The making of a provision for old age, for sickness, for the education of children, and for assisting friends in distress, are therefore the necessities that compel most of our poor to labour hard all the days of the week, and to save what they have earned by their labour; but if you give a man any hopes of being well provided for in his old age or sickness, or of having his children educated and his friends relieved, in as handsome a manner as he can desire, without putting him to any expence, I believe there is not one of a hundred will either labour so hard, or live so frugally as he would otherwise have done: For this reason, great care ought to be taken not to give any men hopes of being supported in old age or sickness, or of having their children educated for them, or their friends relieved, unless they can shew, that by some misfortune they were rendered incapable of making any provision for those necessities by their own industry and frugality; for wherever a man neglects to do so, when it is in his power, he never can be a real object of charity, he deserves to suffer, and the public good requires he should, in order to be an example and a terror to others.

From hence, my Lords, we must conclude, that no person can be deemed a proper object of charity, till after his circumstances and former behaviour have been strictly enquired into; and whether the parish-officers within their respective parishes, or the governors and officers of an hospital, are most capable of doing this, is very easy to determine. The parish-officers are generally themselves all acquainted with the person that makes the application, and can from their own knowledge judge if he be a proper object; they contribute out of their own pockets, yearly, their share of that charity which is given, and are answerable to the parish for what they do, therefore they certainly will always be extremely cautious of giving a share of the parish-charity to an unworthy object, or to one who does not stand in need of it: On the other hand, the governors of hospitals are never all acquainted with the person that applies, seldom any of them are; and as they pay nothing out of their own pockets to the charity they have the management of, nor are answerable to any for their conduct, they are very seldom inquisitive about the merits or the circumstances of the persons that apply; the consequence of which is, that many unworthy persons, and many who do not stand in need of it, are admitted into our hospitals; which instead of being a benefit, is a great injury to the nation, because it encourages idleness and extravagance among the vulgar.

I wish with all my heart that all the poor of the kingdom, who are real objects of charity, were properly and decently provided for. I am sure, if they are not, it is not for want of a sufficient fund for that purpose; it must be by some defect in the laws, with respect to the management and application of that fund, and whatever amendments may be necessary in that respect, I shall readily agree to. But we ought to take care, that some sort of ignominy or contempt may always attend a person's being provided for by any public charity; and we likewise ought to take care, that the provision made by charity shall not be such as no poor man, by his utmost industry and frugality, can provide for himself. In both these respects, I am afraid our public hospitals are blameable; for the custom of going thither upon every emergency is become so frequent, that no contempt or ignominy attends it; and the provision made for our poor in some of them, is much better than any common tradesman or labouring man can well hope to make for himself, with the utmost industry and frugality any poor man can practise. The consequence of this is, that the getting into an hospital, or getting one's child to be educated there, instead of being asked for as a charity, comes to be solicited for as a post or employment; and rich men get in to be governors of hospitals, not with the pious view of making an interest in the next world by works of charity, but with the ambitious view of making an interest in this by having so many posts or preferments at their disposal. This last view, I am apt to suspect, is the true source of that spirit which has been lately raised for erecting and endowing hospitals; and as it is well known what

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sort of men are generally the chief directors and managers of such hospitals, we may easily guess who have been the principal authors and promoters of such a spirit. An enquiry into the management of our several hospitals would have been of great use in this debate. If we had made such an enquiry, I am persuaded we should have found many persons upon such foundations, who never had a title to, and many who never had an occasion for the charity of the public; and if we had examined into the motives for admitting such persons, I am also persuaded, we should have found them very far from being charitable. Such misapplications can never happen in the disposal of parish-charities; and as the admitting of such persons to a share of any public charity, will always be a great encouragement to laziness and extravagance, I can see no reason for exposing the nation to any danger, for the sake of erecting such charitable foundations.

We know, my Lords, how apt men are to indulge themselves in laziness and extravagance, from very chimerical hopes: a benefit-ticket in a lottery can fall but to one, but the expectation of it makes hundreds extravagant. In the same manner, if people see one idle and profligate person well provided for in an hospital, or the child of such a man handsomely educated, and better taught than the children of poor people usually are, hundreds of them will, in hopes of meeting with the same relief, either live idly, or spend what they earn extravagantly, so that most of them, or at least their children, must come upon the parish at last. This must, of course, increase the number of our poor, and the burden upon every parish: and this consequence, my Lords, is fully confirmed from daily experience; for there is no nation in the world that has so great, or so many public foundations for relieving the poor as we have in England; and yet our people pay yearly more for that purpose than is paid by the poor of any other country. In Holland, where the poor are so well taken care of, they have few or no public hospitals, but every town takes care of its own poor, and have proper workhouses and little hospitals for that purpose, where none but real objects are admitted; and if we had in every parish a workhouse and an hospital, and no public hospital in the kingdom, I am persuaded our poor would not be so numerous and those that are real objects would be generally better provided for than they are at present; for the greatest objects are generally left upon the parish, while unworthy persons, or persons who stand in no need of it, are admitted into our rich and magnificent hospitals. This is a grievance which cannot be prevented by the utmost diligence and application of the governors, who are generally of too high a rank for having any acquaintance among the vulgar; they must depend upon information, they cannot depend upon their own knowledge, and those who depend upon information will often be deceived.

I beg pardon, my Lords, for having taken up so much of your time upon this subject; but the words 'piety, charity, and the relief of the poor,' have been made so much use of in this debate, that I thought it absolutely necessary to explain that matter; and from what I have said I hope it will appear, that no charity ought to be given without proper enquiry: that such an enquiry may be made by parish officers; but never will, nor ever can be made by the managers of public hospitals; and that we have in this kingdom a sufficient fund for all real objects of charity without any public hospital; from whence I think it must be concluded, at least, that we ought not to leave our lands in danger of being swallowed up, the constitution overturned, and the nation undone, for the sake of erecting and endowing such hospitals.

With respect, my Lords, to the clergy of the established church, I am really sorry to hear there are so many of them, so poorly provided for: it gives me a most affecting concern to think, that there are so many pious and worthy clergymen of the established church struggling with poverty and want, at the same time that they are rendering such services to their country; and I must think it a blemish in our constitution, at least in that part of it which is called the established church, to have so many of its members living in the greatest penury and distress, while a great number of others are wallowing in the greatest affluence and ease; for since they are all the servants of the public, and are paid by the public, every man ought to have a proper share of the public rewards. Let us but compare our conduct in this respect to the conduct of a private family: suppose any one of your lordships, or the master of any great family, should give large and extravagant wages to his stewards, his masters of the horse, his master-cook, and his other superior servants, but at the same time should have all his

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lower servants, who did the whole business of his family, kept in rags, half-starved, and without shoes or stockings: would not every man blame the economy of such a family? Would not every man find fault with the conduct of the master? How then can we justify our own conduct with respect to the clergy of our established church? We find it is generally condemned; every man admits, our poor clergy ought to be better provided for; and for this purpose the corporation for the bounty of queen Anne was established: the design of that corporation was certainly to be highly approved of; but I cannot say the rules they have laid down for accomplishing that design deserve so much approbation. They are to provide in two or three centuries for all our poor clergy; but how? By settling a great part of the lands in the kingdom in Mortmain, which to me is the same as if the master of the family I have mentioned, should resolve to provide for his lower servants, by selling off or mortgaging a part of his estate yearly; which would, I am sure, be adding madness to foolishness. What then must he do? is not the method he ought to take, plain and easy? ought he not to diminish the salaries of some of his upper servants, or dismiss some of them, and apply their salaries to increasing the wages of the inferior?

I am not, my Lords, of any levelling principles; I am for keeping up the same orders and distinctions, and the same form of government we now have in our established church; but I am not of opinion that it is necessary, or that any man ought to have, or can deserve half a dozen rich benefices at once; and a few scrapings might, in my opinion, be taken from many of our great livings, after the deaths of the present incumbents, which would be sufficient for establishing a proper maintenance for every clergyman in England. Nay, even the fund settled upon the corporation for the bounty of queen Anne, if it were immediately parcelled out among the poorest livings, it would, I believe, go near to make every living in England worth 20*l.* per annum; and if to this we should add all those benefices which are of no use to the nation, nor any way necessary for the support of our present form of church-government, I am sure we could very easily make a handsome provision for every clergyman in the kingdom, without endangering our constitution, by throwing too great a part of our lands into the hands of the church. Let us consider what a great revenue our church is already possessed of. I have been informed, that in a posthumous work of a late reverend prelate, who never had a fault laid to his charge but that of being too high a churchman, it is asserted, that the revenue of our church amounted then to two millions and a half yearly, and that the whole business was done by those who receive the half million only. I am sure our church revenue is increased since that time, and if what that reverend prelate asserts be true, I am sure it is high time for us to put some stop to their making any new acquisitions in land; especially considering that our poor clergy may be all handsomely provided for, without allowing any more of our lands to be settled in Mortmain, or making any addition to the revenues of the church in general.

This is an opinion, my Lords, which every layman must be of, who considers the consequences of things. We may easily calculate what a vast land-revenue must be added to the church by the rules the corporation for queen Anne's bounty have established. They have laid it down as a rule, that all our poor clergy must be provided for by purchases of land in mortmain. We have been told that there are in England 5,500 livings under 50*l.* a year, and of these 1,000 under 10*l.* a year: Suppose them then, one with another, worth 25*l.* per annum each; a land revenue of 412,500*l.* per annum must therefore be purchased, in order to make them 100*l.* a year each. Then suppose there are 2,000 livings above 50 and under 100*l.* a year; if we take them at a medium, which is 75*l.* per ann. each, a new land revenue of 50,000*l.* a year must be purchased, in order to make them likewise 100*l.* each. But, my Lords, I must beg you will consider, that even when this is done, the corporation is not to be dissolved, nor are any of the powers and privileges they now have, to cease; they may then resolve to make all these 7,500 livings worth 200*l.* a year each; for this purpose new purchases of land must be made to the amount of 750,000*l.* a year; and when this is done, they may, for what we know, resolve to make every living in England worth 1,600*l.* or 2,000*l.* per ann. if there were land enough in the British dominions for answering such a demand. For this purpose they would stand in need of no new powers, nor any privileges but what they have already vested in them by law; and I must say, the rule they have laid down for augmenting first those liv-

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ings, where any layman will join with them, is most excellently calculated for the speedy execution of such a scheme; because a young man in orders, who has 500*l.* or even 1,000*l.* fortune, or a father who has a son to provide for, may easily be induced to join his whole fortune to the 200*l.* advanced by them, in order to make a living of 40*l.* a year worth 90 or 100*l.* a year, upon condition of his getting a presentation to the living. I do not in the least suspect that the present governors of this corporation have any such scheme in their thoughts; but men's schemes generally grow with their fortunes; and as this scheme may some time or other be formed by ambitious clergymen, and may in time be carried into execution, we ought to take measures for preventing it, before it comes too late; for if our church should get into their possession 4 or 500,000*l.* a year land-revenue, artfully purchased, more than they now have, I am afraid it would be out of our power to prevent their pursuing any scheme they had a mind to; or at least, that we could not put any stop to their schemes without running the risque of raising the flames of a civil war in the kingdom. I therefore think the rule they have laid down, of laying out no money but upon the purchase of lands, ought to be altered; and if that rule be altered, there is no occasion for altering or explaining any words in this bill.

Having now, my Lords, shewn the dangers that may arise from the great liberty lately introduced of alienating lands in mortmain, and having shewn that we are under no necessity, nor have the least occasion, for exposing ourselves to such dangers, I shall next beg leave to take notice of that unbounded liberty of devising estates by will, which we have heard so strongly insisted on. I shall grant, that a man has a natural right to dispose of his own, at what time, and in what manner he thinks most proper; but this rule is not without any limitation or exception; it must always be under this restriction, that no man shall dispose of his own to the hurt and prejudice of the society to which he belongs; and it is reasonable it should be so, because the acquisition, or at least the preservation of that property depended, and must always depend upon the protection he received from the society. The legislators of every society, are the only judges of what may or may not tend to the hurt and prejudice of the society: according to their judgment in this respect, they have a power to make laws for regulating and restraining that natural right which every man has to dispose of his own; and if those laws be reasonable and necessary for the preservation of the society, every good subject will observe them, and no bad subject ought to be allowed to find fault with, or transgress them, I think I have made it evident, that a liberty of devising land estates in mortmain to any corporation, or upon any pretence whatsoever, may be hurtful to the society; and particularly, that those pretences drawn from piety, charity, and a compassion for the poor, are so far from being real, that they are made use of only as a cloak for the vanity, the pride, and the ambition of private men, who have got into, or expect to get into the management of what they call charitable foundations.

With regard to private life, my Lords, can we suppose that a man will be less industrious or frugal because he cannot dispose of his estate by will to the church, or to a magnificent hospital? We may as well suppose that he will be less industrious or frugal, because he cannot dispose of his estate to the grand seignior or the sophy of Persia. If a man happens to fall into that delirious ambition of erecting a palace for beggars, and having his name engraved in gilded letters above a superb portico; or if he grows ambitious of having his statue set up in the area of any charitable palace already erected, cannot he give some part of his estate in his life-time for that purpose, and reserve a sufficient estate for supporting himself? For we generally find that the men who are seized with such deliriums, are men of great fortunes and small expence; so that the reserving a competency for their own future support, cannot occasion any great diminution in the donation they make, nor can it disappoint the great end of their ambition. As to the regard and attendance which a dying man may expect, and ought to meet with from his relations, friends and servants, I think nothing can be better contrived than the bill now before us, for preventing a man's being disappointed in so just an expectation; because it lays every landed gentleman under a necessity of reserving something to be disposed of by him at his death, and likewise lays him under a necessity of disposing of that something among his relations, friends or servants, or of leaving it to his next heirs,

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For this very reason, I think the words at the end of the first clause proposed to be left out, are absolutely necessary; and therefore I hope they will be left standing as part of this bill.

Whether a man's next heirs have any natural right to succeed to his estate after his death, is not the question now before us: I hope it will be granted, they have at least a more natural right than any other person natural or political; and I am sure the giving or leaving it to them, or to any other persons natural, is more charitable than the giving it to any charitable use or corporation whatsoever; because, when the estate comes to private persons, they will be enabled to contribute the more to the parish charities in the respective parishes they belong to, which are the only charities that are, or ever can be properly or justly applied; whereas, when the estate is given to any other charitable use, or to any corporation, or even to the church, the donor may expect and depend upon it, that the donation will be misapplied; and every such donor may see, that the giving of any such donation may be of dangerous consequence to his religion as well as his country. Therefore, as a sincere Christian, as a true lover of the church of England, without being an admirer of ecclesiastical power, and as a good subject, I must be for laying, at least, that restraint upon such donations, which is proposed by the bill now before us. And one of my chief reasons for being so, is, my Lords, lest the clergy of our established church should be tempted and instructed to watch the last moments of dying persons, as insidiously as ever the monks and friars did in the darkest times of popery and superstition: The opportunity is established by the laws as they stand at present; they may, by so doing, increase the wealth and the power of the church, nay, they may increase the revenue of their own particular cure; and if ever we should have an ambitious clergyman for a prime minister, it would be the only way to acquire an interest at court, or preferment in the church. These were all the motives the popish clergy had for being so insidious, they never proposed by such insidiousness, to enrich their own private families; and if this stumbling-block should be left any longer in the way of our present church, we may depend on it, that new doctrines will be set up, and all the ensnaring tenets of the church of Rome revived by degrees, and strongly recommended by all pastoral instructions.

I shall conclude, my Lords, with observing, that our two universities, and the colleges now excepted out of this Bill, are, in my opinion, the only public foundations which are either useful or necessary in this kingdom, and the exception, as to them, furnishes me with a particular argument in favour of this Bill; because I think it will contribute greatly to increase the revenues of every one of those foundations; for as every other channel for death-bed devises will from henceforth be shut up, I must think it will cause the more to flow into that channel. The pride and ambition of men, which I suppose (and, since our poor are all sufficiently provided for otherwise, I think I may without any breach of charity suppose) to be the chief motive for all donations to hospitals or incorporate bodies, will still remain the same; and those who cannot upon their death-beds propose to eternise their memories by procuring their statues to be set up in the area of an hospital, will endeavour to get it set up in the area of a college, and for that purpose will leave them an estate. This is turning the passions of private men to that which is most useful and necessary for the society, which is one of the chief ends of all political regulations. Therefore, my Lords, as a friend to our universities and other seminaries of learning, and from the great desire I have to encourage learning, and to see all learned men sufficiently provided for, I must declare my approbation of the Bill now under our consideration.

Then the Bill was accordingly passed, and received the royal assent the last day of the session.

Proceedings in the Commons relating to the Quakers' Tythe Bill.] March 2. A Petition of the people called Quakers was presented to the House, and read; setting forth, "That notwithstanding the several acts of parliament made for the more easy recovery of tythes, church-rates, oblations, and other ecclesiastical dues, in a summary way, by warrant from justices of the peace; yet, as the said people conscientiously refuse the payment thereof, they are not only liable to, but many of them have undergone, grievous sufferings by prosecution in the exchequer, ecclesiastical, and other courts, to the imprisonments of their persons, and the impoverishing and ruin of them, and their families, for such small sums as are recoverable by those acts: and therefore praying, That the House will be pleased to take the premises into consi-

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deration, and afford them such relief therein as to the House shall seem meet."

Ordered, That leave be given to bring in a Bill to inlarge, amend, and render more effectual, the laws now in being, for the more easy recovery of Tythes, church-rates, and oblations, and other ecclesiastical dues, from the people called Quakers: and that Mr. Glanville, Mr. Secretary at War, Mr. Hen. Archer, and Mr. Hampden, do prepare, and bring in the same.

March 17. The above Bill was brought in, read a first time, and ordered to be read a second time, and to be printed.

March 26. A Petition of the clergy of Middlesex was presented to the House, and read, alledging, "That the Bill depending in that House, to enlarge, amend, and render more effectual the laws in being, for the more easy recovery of tythes, church rates, oblations, and other ecclesiastical dues from the people called Quakers, would, as the petitioners conceived, if passed into a law, be extremely prejudical to themselves and brethren, excluding them from the benefit of the laws then in being for the recovery of tythes and other dues, and thereby putting the clergy of the established church upon a worse foot than the rest of his Majesty's subjects; and therefore desiring to be heard by their counsel upon the subject matter of the said Bill."

This Petition was ordered to lie on the table, till the Bill should be read a second time; and that the petitioners, if they thought fit, should be then heard by their counsel against it; It was also ordered that counsel be then heard for the Bill. The Clergy from all parts of the kingdom sent up Petitions to the same purpose.

April 12. The Counsel for and against the Bill were called in, and the Bill being then read a second time, and the several Petitions against it being also read, the counsel for the petitioners of the province of Canterbury were heard; in answer to whom the counsel for the Bill were heard; and then the counsel for the petitioners of the province of York were heard by way of reply: After which the counsel being withdrawn, Mr. Speaker opened the Bill to the House; then a motion being made, That the 14th section of an act made in the 22d and 23d of king Charles 2, intitled, 'An Act, for the better settlement of the 'Maintenance of Parsons, Vicars, and 'Curates in the parishes of the city of 'London, burnt by the dreadful fire there,' might be read, the same was read accordingly. By a clause in the Bill, even as it then stood, it was proposed to be enacted thus, 'That if the annual value of such 'tythes, oblations, and other ecclesiastical 'dues, rights, payments, or church rates 'before-mentioned, doth not, nor shall not 'exceed the sum of in such case no 'Quaker or Quakers shall be sued or pro-'secuted, for or on account of the same, 'in any other manner, than as before di-'rected, or in any other court; neither 'shall any such tythes, oblations, or other 'ecclesiastical dues, rights, payments, or 'church rates not exceeding the said yearly 'value of be recoverable against 'Quakers in any other court whatsoever, 'nor in any other manner, than as by this 'act is directed, unless the title of such 'tythes be in question.' This clause, in all the Petitions presented by the clergy against the Bill, was called, 'An excluding 'them from the benefit of the laws then in 'being for the recovery of tythes and other 'dues, and thereby putting the clergy of 'the established church upon a worse foot 'than the rest of his Majesty's subjects;' therefore the said section was read, to shew, That the assigning of a proper method for the recovery of any right, and excluding the persons intitled, from any other remedy, was not a putting of such persons upon a worse foot than the rest of his Majesty's subjects, nor was it without precedent; for by the aforesaid act of king Charles 2, all suits for the recovering of church-rates or assessments, within the city of London, are to be brought before the lord mayor, or upon his neglect to execute the powers thereby granted, before the lord chancellor, or keeper of the Great Seal, or two barons of the exchequer; and, by the said 14th section, it is enacted, 'That no court or judge shall hold plea of 'money due by virtue of that act, other 'than the persons thereby authorized;' and yet the clergy of London never had complained, nor could complain, that they were excluded from the benefit of the laws of their country, or that they were put upon a worse foot than the rest of his Majesty's subjects.

After reading the above Section a motion being made for committing the Bill and the question being put, it was carried in the affirmative, by 221 to 84; after which it was resolved that the Bill be committed to a committee of the whole House.

April 21. The House resolved itself into a committee upon the Quakers Bill,

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when great alterations were made to every clause; and it was proposed to leave to every person intitled to Tythes, an option to sue for the recovery of them, either before the justices of the peace, as directed by that Bill, or before any of his Majesty's courts in Westminster-hall; but as this seemed to be inconsistent with the preamble of the Bill, and with the intention of the whole, it was strenuously opposed; and upon the question's being put, it was upon a division carried in the negative by 202 to 96.

April 30. A motion being made for engrossing the Quakers' Bill, the same was strenuously opposed; but the question being put, it was carried in the affirmative by 160 to 60.

May 3. A Petition of the clergy of Surrey was presented to the House, setting forth, "That since they had been heard by their counsel, in relation to the Quakers' Bill, they had been informed of several new clauses that had been inserted in the said bill, which they conceived to be prejudicial to the rights of themselves and the other parochial clergy; and therefore praying to be heard by their counsel, in relation to the said new clauses, before they received the final assent of that House."

This Petition was ordered to lie upon the table, and then the Bill was read the third time, when several new amendments were made to it; and a motion being made, That the Bill do pass, the same was opposed by Mr. Talbot of Wilts, Mr. Maister of Cirencester, sir William Carew, and others, who urged,

That besides the many material reasons which had been given against passing the Bill, there was one relating to form, which was unanswerable; for the Bill, which was first brought in, had been so thoroughly and so entirely altered in the committee, that it could not now be looked on as the same Bill; even the very title of it had been entirely altered in the Committee, and that Bill which was before called, 'A 'Bill to enlarge, amend, and render more 'effectual the laws then in being, &c.' was upon the third reading to be called, 'A Bill for the more easy Recovery of 'Tythes, Church Rates, and other Eccle-'siastical Dues from the People called 'Quakers;' which they could not but take to be a very improper title, for in their opinion it ought to be called, 'A Bill for 'preventing the Recovery of Tythes, or 'any Ecclesiastical Dues, from the Peo-'ple called Quakers.' That by the Bill as it was at first brought in, the jurisdiction of the justices of peace was to have been confined to tythes of a certain value, which was certainly designed to be tythes of a small value; the justices were to order and direct the payment, so as the sum ordered did not exceed ———; but the committee, by the Bill they had drawn up, which was then read to them, had given the justices an unlimited jurisdiction where the title was not in question. That this was a power which they thought no committee upon a Bill could take; they might perhaps have filled up the blank with any sum they pleased; they might have filled it up with such a large sum as would have in effect been the same with granting the justices an unlimited jurisdiction. But they could not grant a general and unlimited jurisdiction by a bill which, when it came before them, was a bill for granting a particular and confined jurisdiction; and if the granting of such a jurisdiction was then thought necessary, the only method they could take, according to the established forms of that House, was to order the Bill then before them to be withdrawn, and a new bill to be brought in; in which case, those who thought they might be aggrieved by any thing in the new bill, would have an opportunity of being heard against it, which no man could ever have, if the method observed in passing the Bill then before them should become an usual practice; for no man could know whether he was to be injured by a bill or not, till after it had passed through the Committee, and then it would be too late for him to apply.

To this it was answered by Mr. Glanville, Mr. Archer, and Mr. Hampden,

That the Bill then before them was in effect the very same with the Bill first brought in; many of the clauses had, indeed, been altered and amended, but the general scope and intention of the Bill was the very same; and they did not think the committee had taken any liberties with the Bill but what were usual, and such as they were fully entitled to take; for the reason of their granting an unlimited power to justices of peace with respect to the value of the tythe, was because, upon mature consideration, they found, that all actions and suits for tythes, where the title was not controverted, were for small sums, for sums much smaller than any sum that was ever intended to be filled up

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in that blank; and since it was acknowledged, that the committee might have filled up the blank with such a large sum, as would have in effect been the same with granting the justices an unlimited jurisdiction, they could see no reason why the committee might not do directly and in express terms, that which they might certainly have done in a hidden or indirect manner. Hereupon

Sir *John St. Aubin* stood up, and spoke as follows:

Mr. Speaker; I think that a bill of this consequence, which affects so large a property, should undergo the wisest scrutiny of those regular forms, which have hitherto circumscribed our proceedings, and guarded our constitution from any sudden and disguised attacks: but this Bill, faulty as it was at first, after two readings in the House, and counsel had been solemnly heard against it, went avowedly into the committee to be almost entirely altered. A new Bill, for so I may justly call this, arises out of the ashes of the old one, with the same fallacious title indeed, and less formidable than before. However, it is still suspected that there are latent mischiefs in it, and against those, the parties who are aggrieved, are deprived of an opportunity of a fresh defence. I hope therefore, that the learned gentleman, who could not have been so defective in his first enterprize, if new inconveniences were not perpetually to be encountered in the alteration of settled constitutions, will at least be so candid as to withdraw his scheme for the present, take time to consider afresh, and not hurry a Bill thus defective in form and but half understood, in the conclusion of a session, when many gentlemen, quite worn out with a close and tedious attendance, have been forced to retreat. This cannot long retard the great work of reformation which is at hand: the delay will be but a few months only: the same favourable tide will continue, and whatever new schemes, therefore, the learned gentleman may have ready to produce, I hope he will indulge us in so short a respite. But lest this Bill should pass, I hope you will permit me to enter my public protest against it, for I am one of those who think it fundamentally wrong.

There is no one more ready than I am, to give all reasonable indulgencies to the several unhappy sectaries among us; I think, that in points of religious worship, compulsion ought never to be used, but truth is to have the fair opportunity of working by its own force upon the natural ingenuity of the mind, and the Supreme Lawgiver has the only right to interpose in such matters. But human authority has certainly a secondary power to restrain those wild excesses, which under the false colour of religion would invade the order and discipline of civil society. In this we are all united, and there is one medium, one common resort of our laws, for the protection of our respective rights and privileges. I am very sorry therefore, that any of the dissenters should now see occasion to complain of their distinct allowances, and that stated measure which must be preserved in our civil union. Let them look upon the structure of our constitution in general; are the several members well proportioned? Have they a mutual dependence and regular connection with each other? And is there one law of convenience which runs through the whole? If this be so, and the pre-eminence is only maintained by a due subordination of the inferior parts; if the building was erected by the most able hands, and when architecture was at its height; I am not for inverting the order of it, in compliance with the gothic fancy of any pretenders to that art.

Thus our constitution at present stands, and the laws of toleration are in this sense become a part of it; they protect, as they certainly ought, the established religion of our country, and, at the same time, allow a separate right in religious worship: Such, only, have not the advantage of them, who deny the exterior forms of our government, whose consciences are a civil nuisance, and therefore forfeit the condition of this right. What then is it that the Quakers want? Have not all their most intemperate desires been from time to time complied with? Are they not exempted even from appealing to the great Author of truth in their legal testimony? But not contented with all this, by a most strange abuse of the permissive liberty they enjoy, they send circular exhortations to their brethren to oppose the civil jurisdiction of our laws; and having thus cherished and strengthened an obstinacy, they approach the legislature itself with harsh revilings, unsupported by evidence, against the clergy of our established church; denying a constitutional right; begging that the legal remedies may be abated by which

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it is to be acquired; and unjustly complaining of severities, which, by their repeated contumacy, they wilfully draw on themselves; for the law in its ordinary and natural course will proceed to an enforcement of its own decree. Is this that passive obedience and non-resistance, that mild and charitable disposition, with which they have been so largely complimented? Is this conscience, in any true definition of it? No! it is perverse humour, a false and delusive light, an 'ignis fatuus,' which arises from a degeneracy and corruption of the mind. If this is conscience, then all those riots and tumults, which at any time oppose the execution of the law, and the authority of the government, may with equal justice lay claim to such a conscience. Tithes are a distinct property from the inheritance of the land, and by the laws of our constitution are applied to certain purposes. They are due of civil right, and no matter to whom they belong, though I should think that the maintenance of our clergy deserves some favourable share in our considerations.

No human wisdom can at once foresee the sufficient extent of legal remedies, but they must from time to time be proportioned to the degrees of obstinacy with which they are to contend. At the time of the revolution, when our constitution was re-settled, and our several rights and privileges confirmed, the former remedies were found insufficient, and therefore, by the 7th and 8th of king William, a new one was created, but the others were suffered to subsist. The clergy have now their option which method to pursue, and I believe they always follow this, unless they suspect an unjust partiality. For they want only their right, and are undoubtedly willing to come at it the cheapest and most effectual way; so that by this Bill, which obliges them to repair to the justices in the first instance, you enjoin them nothing but what is already done; but at the same time give a new interest to the Quaker in being contumacious; For I apprehend by the Bill, as it now stands, if the Quakers should not appear, but suffer judgment to pass by default, or should appear and not litigate or gain-say, that there is a power given to the justices to settle the quantum of the tithes, and the clergy are hereby deprived of any farther redress. It is the liberty of avoiding the justices, which is some sort of controul upon their judicature; and it is the force of the several subsisting remedies, which obliges many of the Quakers in some shape or other at present to submit. For it is not the punctilio of one gun only (as the learned counsel said) which the garrison wants; and when men are obliged to surrender there is no dishonour in doing it: But they have got unjust possession, and would have you withdraw your forces, that they may strengthen the fortification, and make it capable of a stouter resistance. Sir, I think the comparison has been inverted; that party is in possession who have a just title, and they only desire to keep what they have, without tending their territories; and it would be extremely unjust to pull down their fences, upon an idle report that the enemy would take no advantage of it.

As to the ecclesiastical courts, the Quakers have been defied to produce any instances of their being much troubled here; and indeed they are exceedingly few: every thing in the course of time will degenerate from its original institution, and undoubtedly there are many abuses crept into these courts, which may deserve our attention; but then let us proceed upon fairer inquiries, and with a disposition to reform and not to destroy. These courts, from the earliest days of our constitution, have had cognizance of tythes; and if the chief argument against them is drawn from their defect of power in giving redress, I am rather for supplying the defect, than that their authority herein should be wholly rescinded.

I would not be thought, by any thing I have said, to be for extending the power of the clergy; I am for keeping that as well as all other power, within its due bounds. But, surely, the clergy are not to be the only men in the world, who, when they are assaulted, have not a liberty to complain and to fly to this asylum for their necessary defence; I think this is all they now do, and it is very unfair to be seeking industriously for particular instances of blame; and from thence to take occasion of casting an odium upon the whole function. Those frightful ideas, therefore, of church power, upon which so many changes have been rung of late, I take to be very unnecessary at this time; it is now at a very low ebb, and it is very well if it can keep its just ground.

The mischief which is growing up is of another sort, and our liberties are no longer in danger from any thing which is founded in religious pretences; the enemy has erected batteries all round our constitution; but as the church is the weakest part, it is

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thought very advisable to begin the attack there; and if it succeeds, they will soon mount the breach, and take possession of the whole; for we may learn from the fatal experience of former times, that monarchy can only subsist upon the union and defence of our civil and religious rights. We all form one constitution, it is highly necessary therefore that all, who are sincere lovers of that, should well know and mutually protect each other; and that the clergy should wisely consider, that, as at all times we are ready to oppose any assaults upon their quarter, so they are under the strongest obligations, in the day of our need, not to withdraw their assistance from us in points of civil liberty; for if ever that should be their fatal mistake, and our hands are thereby weakened, they will undoubtedly bring their own establishment into the most imminent danger.

I shall say no more, but that I shall at all times oppose any innovations, because I think them extremely hazardous; let us rather guard against the intemperate follies, the luxury, the venality and irreligion of the age, which have been long gathering like a dark thunder-cloud in the sky. God only knows how soon it may burst; but whenever it happens, and I fear the day is at no great distance, it will certainly fall most heavily upon us; I am therefore for keeping up our common shelters, that we may be protected, as well as possible, against this great and impending danger.

Then the question being put for passing the Bill, it was carried in the affirmative, by 164 to 48, and Mr. Glanville was ordered to carry it to the Lords, and desire their concurrence.*

A Copy of the Quakers' Tythe Bill.] May 4. The following Bill for the more easy recovery of the Tythes, Church Rates, and other Ecclesiastical Dues, from the people called Quakers, was sent up by the Commons to the House of Lords;

'Whereas by an Act made in the 7th 'and 8th year of the reign of his Majesty 'King William 3, of glorious memory, en-'tled, 'An Act that the solemn affirma-

* "Notwithstanding all obstacles, the disposition of the Commons was very strong in favour of the Quakers. Their petition was not considered a party affair; and the proceedings against many of them, had such an air of persecution, as procured them many friends amongst all parties. The bill underwent great alterations in the committee. The main intention of it was, to make the determination of two justices of the peace final, as to all payments of tythes and church dues, when the Quaker, who was to pay them, did not litigate the same, which the justices were to certify under their hands and seals, without fee or reward. But in case the Quaker should litigate the payment, then either party, who should dissent from the adjudication of the justices, might have recourse to the courts in Westminster hall. The payment of all church and chapel rates, if refused by Quakers, were, upon the complaint of the churchwardens, to be levied by distress, by order of two justices, upon their goods, in the same manner as the poor rates are levied, and no Quaker was to be sued or prosecuted for not paying any church or chapel rates, in any other manner. Such was the main purport of this famous bill, though clogged with a great number of other clauses; when after long debates, and several divisions, it passed the House of Commons, by a majority of 164 against 48.

"In the upper house it was successfully opposed by the interest of the church and the law; a considerable number of courtiers were also non-contents. The two great lawyers, lord chancellor Talbot and lord Hardwicke, made a strong impression by observations on the incorrectness and imperfections of the bill, for the amendment of which, the short remainder of the session would not afford time. The speakers on both sides displayed great abilities and temper, but when the question was put, for committing the bill, it passed in the negative, by a majority of 54 against 35.

"The minister was highly dissatisfied with the rejection of a bill which he was induced from various considerations to promote. He was strongly averse to all measures which bore the appearance of persecution in religious matters. His conduct was also influenced by personal considerations. A large body of Quakers were established in the county of Norfolk, and particularly in the city of Norwich, who had always supported the candidates whom he favoured at the general elections, and he was anxious, from a principle of gratitude, to prove that he was not unmindful of past favours, and deserving of future assistance. These motives operated so strongly in its favour, that few circumstances ever ruffled his temper, or affected his equanimity more than the rejection of this bill. He bitterly complained of the vindictive spirit which reigned in the House of Lords, and his resentment was principally excited against the bishop of London, to whom he attributed its defeat. That prelate had prevailed on the bench of bishops, to give their decided opposition to the bill, and had exhorted the clergy, in all quarters of the kingdom, to petition against it, as highly prejudicial to the interests of the church. In consequence of these exertions, the minister, with a spirit of acrimony very unusual to him, withdrew from the learn-

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'tion and declaration of the people called Quakers, shall be accepted instead 'of an oath in the usual form,' a remedy 'is provided for recovery of tythes and 'church-rates, not exceeding the value of 'ten pounds, where Quakers do refuse to 'pay the same.

'And whereas by another act made in 'the first year of the reign of his late Ma'jesty king George 1, the said remedy is 'extended, and may be had and used 'against any Quaker or Quakers, for reco'vering any tythes or rates, or any cus'tomary or other rights, dues or payments 'belonging to any church or chapel, 'which of right, by law and custom ought 'to be paid for the stipend or mainte'nance of any minister or curate officiat'ing, in any church or chapel.

'And whereas the prosecuting of any 'suit in the superior or ecclesiastical 'courts against any Quaker or Quakers, 'for any refusal arising from a scruple of 'conscience, to set out, pay, or compound 'for his or their great or small tythes, 'may be unnecessarily expensive and 'grievous to such Quakers, if the said 'tythes can be recovered in a more easy 'and expeditious manner.

'Be it therefore enacted by the King's 'most excellent Majesty, by and with the 'advice and consent of the Lords Spiritual 'and Temporal, and Commons in this 'present Parliament assembled, and by 'the authority of the same, that from and 'after the 24th day of June, 1736, where 'any Quaker shall refuse or neglect, 'within ten days after notice given, to set 'out, pay, or compound for, his great or 'small tythes, or to pay any oblation, or 'other ecclesiastical dues (except church 'rates) or any rights or payments what'soever, belonging to any church or 'chapel, which of right, by law or custom 'ought to be paid, for the stipend or main'tenance of any minister or curate, offi'ciating in any church or chapel, it shall 'and may be lawful for any two or more 'of his Majesty's justices of the peace 'within the county, riding, town corpo-

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ed prelate the full confidence which he had hitherto placed in him, and transferred into other hands the conduct of ecclesiastical affairs with which he had been chiefly entrusted.

"Edmund Gibson was born in 1669, *, and educated at the free grammar school at Bampton, in Westmoreland, the place of his nativity. At the age of seventeen, he was admitted a scholar of Queen's college, Oxford, and raised himself into early notice by various publications, which proved his classical erudition, his accurate acquaintance with the northern languages, and a correct knowledge of the Roman and Saxon antiquities, and British topography. His great talents and extensive learning, introduced him to the patronage of archbishop Tenison, who made him librarian of Lambeth, and appointed him his domestic chaplain. By the archbishop's interest, he became precentor and residentiary of Chichester, rector of Lambeth, and archdeacon of Surry. In 1713, he gave to the public that great and laborious work, intituled, 'Codex Juris Ecclesiastici Anglicani, or the Statutes, Constitutions, Canons, Rubricks, and Articles of the church of England, methodically digested under their proper heads; with a commentary, historical and juridical, and with an introductory discourse concerning the present state of the power, discipline, and laws of the church of England, with an Appendix of Instruments, antient and modern, in folio.' Being a great friend to the protestant succession, he was promoted, in 1716, to the bishopric of Lincoln, and in 1720, translated to the see of London.

"In this eminent station, he enjoyed the full confidence of the king and ministry, and was principally consulted by lord Townshend and sir Robert Walpole, in all ecclesiastical matters, particularly during the long decline of health which incapacitated archbishop Wake for transacting business. He was always zealous in supporting the establishment of the church of England, and uniformly opposed the repeal of the test act. He declined a translation to Winchester,* and looked forwards to the primacy with such confidence of expectation, that he was called by Whiston, heir apparent to the see of Canterbury. These well founded hopes were frustrated by the indignation of Walpole for his opposition to the Quakers' bill. On the decease of Wake, the see was conferred on Potter. And when, on his death, in 1747, it was offered to Gibson, he declined it on account of his advanced age and increasing infirmities.† He died on the 6th of February 1748.

"The inveteracy displayed against this eminent prelate for the conscientious discharge of his duty, reflects no credit on the memory of sir Robert Walpole. His esteem for the bishop of London had been so great, that when he was reproached with giving him the authority of a pope, he replied, 'And a very good pope he is.' Even after their disagreement, he never failed to pay an eulogium to the learning and integrity of his former friend." Coxe's Walpole.

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* Biographia Britannica.

* Letter from bishop Gibson to sir Robert Walpole. Orford Papers.

† Letter from bishop Gibson to the King, communicated by the bishop of Salisbury (Dr. Douglas.)

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'rate, or division, where the same shall 'grow due (other than such justice of the 'peace, as is patron of the church or 'chapel where the said tythes or dues do 'arise, or any way interested in such 'tythes or dues) and such justices are 'hereby authorised and required, upon 'complaint of the parson, vicar, curate, 'farmer, or proprietor of, or person in-'titled to such tythes, dues, or payments, 'as aforesaid, or any other person who 'ought to have, receive, or collect the 'same, by writing under their hands and 'seals, to summon, by reasonable warning, 'such Quaker or Quakers, against whom 'such complaint shall be made, to appear 'before them; and also, at the request of 'any of the parties, by summons in writ-'ing under their hands and seals, to con-'vene before them all and every such per-'sons and witnesses, to give evidence 'touching the matters complained of, as 'any or either of the parties shall require; 'and after the appearance of such Quaker 'or Quakers, or in default of his or their 'appearance (the said warning or sum-'mons being proved before the said jus-'tices upon oath) they the said justices, 'or any two of them, shall proceed to hear 'the matter of the said complaint, upon 'the proofs, evidences and testimonies to 'be produced before them; and for that 'purpose to examine as well the said 'Quaker and Quakers, in case of his or 'their appearance, upon his or their so-'lemn affirmation, as the several persons 'or witnesses so to be convened before 'them, or otherwise produced at such 'hearing, upon his or their corporal oaths, 'or otherwise, as by this act is after direct-'ed; and thereupon to state, ascertain, 'and determine what is due, payable or 'forth-coming by and from such Quaker 'or Quakers, to the party or parties so 'complaining, and by writing under their 'hands and seals to make a proper adjudi-'cation thereupon, and thereby to order 'and award such reasonable satisfaction, 'compensation, and recompence in money 'to be made and paid to the party or par-'ties so complaining as aforesaid, as they 'shall judge to be just and reasonable for 'such tythes, oblations, or other ecclesi-'astical dues so neglected or refused to be 'set out, paid, or compounded for, as 'aforesaid, together with such costs for 'the same, according to the nature and 'merits of the case, as to them the said 'justices shall seem reasonable, and by 'such order to direct and appoint the pay-'ment of the sum to be awarded, as afore-'said.

'And be it enacted, That if any Quaker 'or Quakers shall refuse or neglect, by the 'space of ten days after notice of such 'adjudication, to pay or satisfy any such 'sum of money, as, upon such complaint 'and proceeding shall, by such justices, 'as aforesaid, be adjudged in manner as 'aforesaid; then and in every such case, 'it shall and may be lawful for any one 'of the said justices, upon oath made of 'the service of a copy of such order of 'adjudication, or of leaving a copy of the 'said order at the usual place of abode of 'such Quaker or Quakers, by warrant 'under his hand and seal, directed to 'some constable, or other proper officer, 'to order the money, so awarded to be 'paid as aforesaid, to be levied by distress 'and sale of the goods and chattels of such 'Quaker or Quakers, so refusing or neg-'lecting as aforesaid, his and their execu-'tors and administrators, rendering the 'overplus to the owner of such goods and 'chattels (if any such shall be) the rea-'sonable charge of making the said dis-'tress, and of selling the said goods and 'chattels, being thereout first deducted 'and paid to the party or parties so com-'plaining, as aforesaid: and if it shall ap-'pear to such justices upon oath, that no 'sufficient distress or distresses can be had 'or made for the purposes aforesaid; then 'and in that case any one of the said jus-'tices, or any other justice of the peace 'of the same county, is hereby impowered 'and required, by warrant under his hand 'and seal, directed to the proper officers, 'to commit such Quaker or Quakers so 'refusing or neglecting, as aforesaid, to 'the common jail of the county, city, li-'berty, or place, where such Quaker or 'Quakers shall reside, there to remain 'without bail or mainprize, until full pay-'ment be made to the party or parties so 'complaining, as aforesaid, of all such 'sums and costs as by the said two justices 'shall have been awarded by such order as 'aforesaid. And to the end the said jus-'tices may be enabled to make such ad-'judication as shall be just, upon the 'matters so to be complained of, as afore-'said, the said justices are hereby im-'powered and required to examine all 'such witnesses and other persons, as 'shall be produced or convened before 'them, upon their corporal oaths (which 'oath, and all other oaths required to be 'taken by this act, the said justices are

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'hereby authorized to administer) but if 'any such persons or witnesses shall be a 'Quaker, then such Quaker shall be exa- 'mined upon his solemn affirmation, ac- 'cording to the laws and statutes of this 'realm, and the said justices shall cause 'the same to be tendered to him accord- 'ingly; and if any person or persons be- 'ing so summoned, as aforesaid, to give 'evidence touching the matters com- 'plained of, as aforesaid, shall without 'just cause refuse to appear before the 'said justices, or having appeared before 'them shall refuse to be examined, or to 'testify or depose, in manner as aforesaid, 'concerning the matters so complained of, 'as aforesaid, and shall wilfully persist in 'such refusal, then and in every such case, 'all and every person and persons so 'offending, as aforesaid, contrary to the 'true intent of this act, shall for every 'such offence, on being thereof convicted 'before the said justices, forfeit a sum not 'exceeding five pounds to the poor of the 'parish or parishes where such tythes or 'dues do arise, to be levied by distress and 'sale of such offender's goods and chat- 'tels, by warrant under the hand and 'seal of such justices, or either of them, or 'any other justice of the peace within the 'county where such offender shall reside, 'rendering the overplus (if any shall be) 'to such offender, his executors or admi- 'nistrators.

'And for the more effectual preventing 'all unnecessary and expensive prosecu- 'tions against Quakers, be it farther enact- 'ed by the authority aforesaid, that from 'and after the said 24th day of June, 'where any Quaker or Quakers shall re- 'fuse or neglect to set out, pay, or com- 'pound for any great or small tythes, ob- 'lations, or other ecclesiastical dues, as 'aforesaid (except Church-rates) no per- 'son or persons shall prosecute any suit, 'or commence any action, or file any 'bill in any of his Majesty's courts of law 'or equity at Westminster, or in any other 'court whatsoever, for the recovery there- 'of, until after complaint shall be made 'by some of the parties interested in the 'said tythes or ecclesiastical dues, and 'some adjudication or order thereupon 'shall be made by the justices, by this act 'impowered to hear and determine the 'matter of such complaint, as aforesaid: 'and in case it shall appear by such order 'and adjudication, and the said justices 'shall so certify therein (which the said 'justices are hereby required to certify 'accordingly, without fee or reward) that 'the Quaker or Quakers so complained of 'did not, at the time of examining into 'and hearing the matter of the said com- 'plaint, either by him or themselves, or by 'his or their agents, controvert, litigate or 'otherwise oppose the payment of such 'tythes, oblations, or ecclesiastical dues, 'but did either confess the same to be due 'or not gainsay or obstruct the adjudica- 'tion or recovery, and levying thereof, or 'suffer judgment or sentence before the 'said justices to go against him by de- 'fault, by not appearing to gainsay the re- 'covery and levying thereof; then and in 'every such case, the order, award, and 'adjudication so to be made by the said 'justices, upon the matters to them com- 'plained of, shall be absolutely final and 'conclusive to all parties, as well to such 'as shall be interested in the said tythes, 'oblations and ecclesiastical dues, as to 'the said Quaker and Quakers, to all intents, 'constructions and purposes whatsoever; 'and no Quaker or Quakers shall be sued 'or prosecuted, for, or on account of, such 'tythes, oblations or other ecclesiastical 'dues, in any ecclesiastical or other 'court whatsoever after such adjudica- 'tion and certificate, by appeal or other- 'wise howsoever. And no libel shall be 'exhibited, or any suit instituted or pro- 'secuted in any ecclesiastical court, or any 'action commenced, or bill filed, in any 'of his Majesty's courts of law or equity 'at Westminster, or elsewhere, touching 'or concerning the same except, only in 'cases where the title of such tythes 'shall be in question, as in this act after is 'mentioned.

'Provided always, and be it also enacted 'by the authority aforesaid, That where 'any Quaker or Quakers, by themselves or 'their agents, shall any ways controvert 'or litigate, or otherwise obstruct the re- 'covery of such tythes, oblations, or ec- 'clesiastical dues before the said justices, 'and the said justices shall upon debate of 'the matter, make such order, award and 'adjudication thereupon as to them shall 'seem just; and shall therein certify, 'whether any such controversy, litigation 'or debate was then had before them '(which they are hereby required to cer- 'tify accordingly, without fee or reward) 'that then and in every such case, if either 'the parson, vicar or other person inte- 'rested in, or entitled to the said tythes, 'oblations, and ecclesiastical dues, or the 'Quaker or Quakers so complained of, and

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'summoned, as aforesaid, shall find him or 'themselves aggrieved by the order, award 'and adjudication so to be made by the 'said justices, aforesaid; and shall there- 'upon, within ten days after the service of 'a copy of the said order, award, or adju- 'dication, give notice in writing, under his 'or their hands, to the said justices, that 'he or they conceive him or themselves 'aggrieved, and that he or they refuse to 'abide by the determination given by the 'said justices, by the said order, award or 'adjudication; then, and from, and imme- 'diately after such notice, the said justices 'shall surcease and forbear to make any 'distress, or otherwise proceed upon such 'their order, award or adjudication, or 'otherwise howsoever. And then, in that 'case, it shall and may be lawful to and 'for all and every the parties to resort to 'such remedy, by suit, action, or bill, in 'any of his Majesty's courts at Westmin- 'ster, as he or they shall think proper to 'resort unto: either for the better re- 'covery of such tythes, oblations, or ec- 'clesiastical dues, or for discharging him- 'self from the payment thereof. And all 'and every person and persons shall have 'and enjoy all and every the like reme- 'dies, and shall be intituled to the like ac- 'tions, suits and advantages, as well for 'the recovery of such tythes, oblations, 'and ecclesiastical dues, and all costs for 'substracting or with-holding the same, as 'for the discharging him and themselves 'from the payment thereof, in any of his 'Majesty's courts at Westminster, in as 'full and ample a manner as he and they 'might have had and enjoyed, or been en- 'titled to by the laws and statutes of the 'realm, had not this act been made. And 'his Majesty's courts of law and equity at 'Westminster shall have full power and 'authority, if they shall see cause (but 'subject to the proviso in this act after 'contained) to award such costs as shall 'be reasonable for the vexation, expence, 'and delay before the said justices, by 'whose adjudication the said parties shall 'have conceived themselves aggrieved, as 'aforesaid; any thing in this act contain- 'ed to the contrary notwithstanding.

'And be it farther enacted by the au- 'thority aforesaid, that where any decree or 'other judgment shall be obtained in any 'of his Majesty's courts at Westminster, 'execution of such decree or judgment 'shall be made by process directed to the 'sheriff, requiring him to levy the money 'and so decreed or adjudged upon the goods 'chattels of the said Quaker or Quakers, 'his and their executors and administra- 'tors; and if the sheriff shall return that 'he can find no goods sufficient, whereon 'to levy such money, then by imprison- 'ment of their persons. And the said se- 'veral courts are hereby authorised and 'impowered to award such execution 'in all cases within the true meaning of 'this act.

'Provided, always, and it is hereby also 'enacted, That where any judgment, de- 'cree, or order shall be made, passed or 'pronounced in any of his Majesty's courts 'at Westminster, in any cause or suit to 'be commenced or prosecuted by any per- 'sons, who shall conceive themselves ag- 'grieved by the award, order, and adjudi- 'cation of the justices hereby impowered 'to hear and determine any complaint 'relating to Quaker or Quakers neglecting 'or refusing to set out or pay such tythes 'and dues as aforesaid; that in every such 'case, if the sum ordered, enjoined, and 'directed to be paid by the said Quaker or 'Quakers, in recompence of the tythes by 'him or them with-held, shall not exceed 'the sum before ordered and awarded by 'the order, award, and adjudication of 'the said justices, to be paid by the said 'Quaker or Quakers, no parson, vicar, cu- 'rate or other person entitled to such 'tythes, or dues as aforesaid, shall have or 'be entitled either to double or treble 'value, by virtue of the statute made in 'the second year of king Edward 6, or to 'any other costs or damages whatsoever, or 'to any other sum in respect of his and 'their charges or expences in any or either 'of the said courts, where such judgment or 'decree shall be obtained, given, or pro- 'nounced, or in any other court or place 'whatsoever; but that he and they shall be 'and is, and are by this act utterly exclud- 'ed therefrom, and shall pay to such 'Quaker or Quakers his costs, to be assess- 'ed by the courts wherein such judgment 'ordecree shall be obtained; any law, sta- 'tute, or usage to the contrary in any wise 'notwithstanding.

'Provided always, and be it enacted by 'the authority aforesaid, that if any per- 'son, thinking himself aggrieved by any 'determination of the justices, as afore- 'said, shall thereupon give such notice as 'aforesaid to the said justices, of his re- 'fusal to abide by such determination, it 'shall and may be lawful for such person, 'who shall first give notice as aforesaid, to 'appeal from the same unto the judges of

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'assize, who shall next hold the assizes or 'sessions for the county or place, wherein 'such determination shall be made, in- 'stead of having recourse to his Majesty's 'courts at Westminster; and in that case, 'such person shall give notice in writing 'of such his intent to appeal, unto the 'justices who made such determination, 'before their judgment shall be executed, 'and at least eight days exclusive before 'the holding such next assizes or sessions. 'And such judges of assize, or any or 'either of them, may and shall, in a sum- 'mary way, examine the parties and wit- 'nesses, in such manner as the justices 'are hereby directed to do; and may and 'shall hear, and finally adjudge and deter- 'mine such appeal, either by affirming, 'altering, or reversing the judgment ap- 'pealed from; and also give such costs 'against either party, as to him or them 'shall seem just and reasonable; and shall 'issue his or their warrant, directed to the 'high-constable of the hundred, or to the 'constable of the parish or place within 'any city or town corporate wherein such 'Quaker or other person shall inhabit, to 'levy by distress and sale of the goods of 'the person against whom such judgment 'shall be made, the sum and costs so ad- 'judged by him or them, in like manner as 'the said justices to whom the said com- 'plaint was originally made, might have 'done, had there been no such appeal. 'And in case of such appeal, either of the 'justices, before whom such complaint 'shall have been originally made, shall 'summon all such persons to appear before 'such judges of assize, to give evidence 'concerning the matter of the said appeal, 'as the parties shall respectively require. 'And all persons so summoned, are here- 'by required to attend pursuant thereto, 'or in default thereof, (having no just 'cause of excuse, to be allowed by the said 'judges of assize, or any or either of them) 'shall forfeit a sum, not exceeding five 'pounds, to the poor of the parish or 'parishes, where such tythes or dues do 'arise, to be levied by distress and sale of 'the offender's goods, by warrant from 'any one of the said judges of assize, re- 'turning the overplus if any.

'And be it farther enacted, That from 'and after the said 24th day of June, if 'any Quaker, after notice given him by 'any person entitled to predial tythes, 'arising from lands occupied by him, or 'by one authorized to receive the same, 'shall refuse or neglect to set out, or 'cause to be set, such tythes, if payable 'in kind, and not otherwise, by custom, 'composition, or modus, it shall and may be 'lawful for such person, entitled as afore- 'said to such predial tythes, to appoint a 'proper person for that purpose, who is 'hereby authorised to come upon the land 'of such Quaker, from whom such tythe is 'due, and justly and truly, and without 'fraud or partiality, divide, set out and 'sever from the nine parts the said tythe, 'in such manner as all persons are by law 'obliged to set out their respective predial 'tythes; such person so appointed, having 'first taken an oath before any justice of 'the peace of the county or place where 'such tythes arise, justly to set out the 'said tythes as this act requires, according 'to the best of his knowledge, without 'fraud or partiality: which said portion so 'set out is hereby declared to be, and shall 'be deemed as tythe to all intents, and 'shall be quietly carried away, as soon as 'reasonably and conveniently may be, by 'the person entitled thereto, or any one or 'more persons appointed by him for that 'purpose, without any interruption by the 'said Quaker, or on his behalf, in the same 'manner as might lawfully have been done 'had such tythes been set out by the 'Quaker, himself, from whom the same is 'due. And no Quaker shall after such 'notice, and before the setting out, or 'after such tythe shall be so set out, with- 'draw or take away, or cause to be with- 'drawn or taken away the said tythes, if 'payable in kind, under the pain of for- 'feiture of the double value of what shall 'be so withdrawn or taken away, to be re- 'covered against him by action of debt, 'bill, plaint, or information, in any of his 'Majesty's courts at Westminster, in 'which no essoign, protection, wager of 'law, or more than one imparlance shall 'be allowed, in case the person entitled 'to such predial tythes so withdrawn shall 'chuse to sue in any of the said courts for 'the same. Nevertheless, it shall be in 'the option of the person entitled to such 'predial tythes so withdrawn, to wave 'the said forfeiture of the double value, 'and proceed before two justices, as here- 'inbefore directed, for recovery of the 'single only of such predial tythes so 'withdrawn, and costs, if he shall think fit 'so to do. And in case the person en- 'titled to such predial tythes shall proceed 'before the said justices in manner afore- 'said, then and in every such case, such 'Quaker, so withdrawing or taking away

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'the same, shall not be liable to be sued 'or prosecuted on account of not setting 'out such tythe, or carrying away the 'same, in any other court, or in any 'other manner whatsoever, than as by this 'act is directed.

'Provided always, that if the person 'appointed to set out the said tythes shall, 'through any wilful default of the Quaker, 'be necessarily put to any unusual or ex-'traordinary trouble in harvesting and 'preparing the said predial tythes, in or-'der to the setting out the same, and over 'and above the setting out thereof, ac-'cording to the custom of the place; that 'then, upon complaint thereof to any jus-'tice of the peace of the county or place 'where such tythes do arise, and summons 'and examination into the matter by the 'said justice, it shall and may be lawful for 'such justice finally to order and appoint 'what shall be paid by such Quaker, in 'respect of such unusual or extraordinary 'trouble; and on refusal of payment, to 'levy the same by distress and sale of the 'Quaker's goods, rendering the overplus 'after the costs of the distress deduct-'ed.

'And be it farther enacted by the au-'thority aforesaid, That if any person or 'persons, against whom any such judg-'ment or judgments shall be had, as afore-'said, shall remove out of the county, 'riding, city, or corporation, after judg-'ment had as aforesaid, and before the 'levying the sum or sums thereby ad-'judged to be levied: the justices of the 'peace who made the said judgment, or 'one of them, shall certify the same under 'his or their hands and seals, to any jus-'tice of the peace of such other county, 'city or place, to which the said person or 'persons shall go, or be removed unto; 'which justice is hereby authorised and 'required, by warrant under his hand and 'seal, to order such sum or sums to be 'levied on the goods and chattels of such 'person or persons, as fully, and in the 'same manner, as the other justices might 'have done, if such person or persons had 'not removed, as aforesaid; which shall be 'levied and recovered according to the 'said judgment.

'And be it farther enacted by the au-'thority aforesaid, That from and after the '24th day of June, 1736, if any Quaker 'shall refuse to pay any sum or sums of 'money, duly and lawfully assessed or 'charged on him or her by any church or 'chapel rates, it shall and may be lawful 'for any two justices of the peace, where 'such Quaker inhabits, and they are here-'by required, upon complaint to them 'made by the churchwardens impowered 'to collect such rate, to cause the same to 'be levied by distress and sale of the goods 'of such Quaker, in the same manner as 'the rates for the relief of the poor may be 'levied: and no Quaker shall be sued or 'prosecuted, for not paying any church or 'chapel rates, in any other manner what-'soever.

'Provided always, That no distress to 'be taken by virtue of this act, shall be 'excessive or unreasonable: but shall be 'proportioned to the value of the sum 'awarded or forfeited; and the goods 'distrained shall be publicly sold.

'Provided also, and be it enacted, That 'where any Quaker or Quakers complain-'ed of for substracting, with-holding, not 'paying or compounding for any such 'tythes, church rates, oblations, or other 'ecclesiastical dues, as aforesaid, shall, be-'fore the justices of the peace, to whom 'such complaint is made, alledge or insist 'upon any prescription, composition, or '*modus decimandi*, exemption, discharge, 'agreement, or title, whereby he or she is 'or ought to be freed from payment of the 'said tythes or other dues in question; and 'deliver the same in writing to the said 'justices of the peace, subscribed by him, 'her, or themselves; in that case, the said 'justices of the peace shall forbear to give 'any judgment in the matter; and that 'then and in such case, the person or 'persons so complaining shall and may be 'at liberty to prosecute such Quaker or 'Quakers, for the matters aforesaid, in any 'court or courts whatsoever, where such 'person or persons might have sued for the 'same before the making of this act, any 'thing in this act contained to the contrary 'notwithstanding.

'Provided always, and be it farther 'enacted by the authority aforesaid, That 'in all cities and towns corporate where, 'for the time being, one justice of the 'peace only shall be resident; in every 'such case it shall and may be lawful to 'and for such one justice, together with 'any one justice of the peace of the coun-'ty (not patron, nor interested) to execute 'all the powers, directions, and authorities 'in this act contained and directed to be 'done by two justices of the peace; and 'in case no justice of the peace shall be 'resident in such city or town corporate, 'then two justices of the county may exe-

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cute all such powers, directions, and authorities.

'And be it farther enacted by the authority aforesaid, That so much of the herein before in part recited acts, made in the 7th and 8th year of the reign of his late majesty king William 3, and in the first year of his late majesty king George 1, as relates only to the recovery of tythes or rates, or any customary or other rights, dues, or payments belonging to any church or chapel, which of right by law and custom ought to be paid for the stipend or maintenance of any minister or curate officiating in any church or chapel, in the manner thereby provided, shall be, and is hereby repealed.

'And be it farther enacted by the authority aforesaid, That it shall and may be lawful for any person sued or prosecuted for any thing done pursuant to the directions of this act, to plead the general issue; and on that or any other issue to give this act, and the special matter in evidence: and if a verdict or judgment shall be for the defendant, or the plaintiff shall be nonsuit, or discontinue his action, the defendant shall recover treble costs, in such manner as costs in other actions given to defendants are recoverable: and no suit or prosecution shall be commenced against any person, for any thing done in pursuance of this act, unless the same be brought or commenced within six months after such cause of action arises.

'And be it farther enacted by the authority aforesaid, That this present act shall be deemed, and is hereby declared to be a public act, and shall be taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.'

May 4. The above Bill having been read in the House of Lords a first time, and ordered to be read a second time on the 12th, and many petitions having been likewise presented against it, the Petitioners were ordered to be heard by their counsel upon the second reading, and it was ordered that counsel should also be admitted to be heard in favour of the Bill at the same time.

Debate in the Lords on the Quakers' Tythe Bill.] May 12. The Bill was read a second time, and the counsel for and against the Bill were in part heard, on which occasion, a question arose about the Proofs to be laid before the House by the counsel for the Bill, in relation to the hardships and persecutions the Quakers had suffered, by tedious and expensive suits, for Tythes in the ecclesiastical and other courts; for the counsel for the Bill having acquainted the House, that with respect to the prosecutions in the Exchequer, they could bring proper and legal proofs, to wit, Copies of the Records which had been duly examined, and would be proved at their lordships' bar to be true copies; but with respect to the Prosecutions in the ecclesiastical courts, they had indeed Proofs, but they were such as they could not call legal proofs, because it was only the parol evidence of persons who had been concerned in the suits, and therefore they must submit it to their lordships whether they would allow any such proofs to be laid before them; upon which there was some debate in the House, and the question being at last put, it was carried in the negative.

The counsel for and against the Bill having finished, and being withdrawn, a motion was made for committing the Bill, whereupon a very long debate ensued, in which the Arguments for the motion were to the following effect:

My Lords; I believe it will be admitted by every lord in this House without any exception, that persecution of any kind is inconsistent with the principles of Christianity, I am sure it must be admitted by all, that it is inconsistent with the nature of our constitution and government; and it must be granted, that every sort of punishment, every sort of oppression, which a man is subjected to, for not doing that which in his conscience he thinks unlawful for him to do, is a sort of persecution. We know, my Lords, it was once established as a fundamental and necessary article of the Christian faith, that tythes were due of divine right to the church, that it was a most damnable sin to convert them to any other use; and that as they were *inter spiritualia*, every dispute in relation to them, was to be heard and determined by the spiritual courts, and by them only. These doctrines, it is true, are now pretty much exploded, at least in this kingdom; but ridiculous as they are, they were for many years strenuously insisted on, and most industriously spread, which gave occasion to that sect of men called Quakers, to establish it as one of the articles of their faith, that tythes were abolished by the Christian doctrine, and that so far from being of divine right, it

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was inconsistent with Christianity either to exact them or pay them: from hence it is that every man who is truly and sincerely a Quaker, is in his conscience convinced, that it is unlawful for him to pay tythe.

But unluckily, my Lords, for the Quakers, those who were the patrons and chief promoters of the reformation in these kingdoms, though they abolished the doctrine, that tythes were due of divine right to the church, yet as the tythe brought in a great revenue, and as it was a tax the people had been long accustomed to, they thought it very proper and mighty convenient for them to continue the tax; therefore they made them due by the laws of the land, though they admitted they were not due by the laws of the gospel. This however was no salve for the tender consciences of the Quakers: for as those laws made the tax still payable as tythe, they thought they could not in conscience voluntarily comply with what was enjoined by such laws; and even to this day, though they must admit that tythes are due by the law of the land, yet they think they cannot in conscience pay them, till they are compelled by the law so to do. I confess my Lords, this appears to me a little whimsical; but I am not to measure another man's conscience by my own, nor ought I to oppress him because he makes a matter of conscience of an opinion which I take to be whimsical; and if I ought not myself in such a case to be guilty of oppression, I am sure I ought to prevent another's being guilty of it, as far as lies in my power.

Tythe, my Lords, is a tax which is now due by the law of the land, and must, I believe, remain so, therefore the Quaker must pay it as well as every other man subjected to it by law, nor does he desire to be absolutely free from it; he only desires, since his conscience will not allow him to pay it voluntarily and freely, that you would take it from him in the easiest and least expensive method you can: He knows that he must pay the costs of every suit commenced against him for the payment of that tythe which is due by law, and he only desires that the costs of suit may be made as easy as possible. This was thought so reasonable a demand, that a law was made in the reign of king William, by which tythes not exceeding 10*l.* in value were made recoverable from Quakers before the two next justices of the peace of the same county, not interested in the tythe to be so recovered; and it was at that time expected, that every man in the kingdom, entitled to tythes, would have taken that easy method of recovering his tythes from Quakers; but it has since been found by experience, that some persons entitled to tythes, from a spirit of persecution and oppression, for I can call it nothing else, have had recourse to ecclesiastical and other expensive courts for the recovery of those tythes, which they might have recovered by the sentence of two neighbouring justices; by which the poor Quaker has often been compelled to pay, not only what was due for tythe, but ten times more by way of costs of suit, to the utter ruin of him and his family.

It is true, my Lords, we are not furnished with all the proofs we might have had, of such oppressions having been committed; though I am convinced, if the Quakers had thought such proofs necessary, or if we had allowed them to lay before us the proofs they had prepared, we might have been furnished with a considerable number. But suppose we had not one proof of any such oppressions having ever been committed, suppose there never had been a surmise of any such oppression, it is certain, that, as the law stands at present, such oppressions may be committed: and as it is our duty to endeavour to prevent as well as punish all manner of oppression, we ought to make some alteration in the present laws relating to the recovery of tythes, especially considering how apt some people are to oppress and persecute those who dare to differ from them in any opinion. When we are about to make or repeal any law in order to prevent a grievance that may be apprehended, it is no way necessary for us to have any proofs that the grievance has been actually felt. When the law de Hæretico Comburendo was repealed, there were then no proofs before either House of Parliament, that a bad use had been made of that law; it was thought sufficient that a bad use might be made of it, and as that was apparent, the law was therefore repealed: even last session, when the law was made for regulating the quartering of soldiers at the time of elections, there was not so much as the least surmise of any grievance having arisen from thence; and this very session, when we passed the Bill for repealing the laws against witchcraft, there was not the least proof so much as desired, that ever any old woman had been burnt for a witch. From all which it is plain, that, in order to prevail with either House of Parliament to pass or repeal any law, it is sufficient to

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shew that a grievance may ensue, if the law be not passed or repealed.

Now, my Lords, in the present case, it is no persecution or oppression to take from the Quaker in the easiest and least expensive manner those tythes which are due by the law; but when they can be recovered without subjecting him to any great expence or inconvenience, it is persecution as well as oppression, to sue for them in such a way as must necessarily load him with a prodigious expence; because, though the plaintiff may perhaps call his refusal obstinacy, yet in charity we are obliged to call it conscience; and therefore we must call that a persecuting of him for conscience sake, which the plaintiff may perhaps call a punishing of him for his obstinacy. By the first law for making tythes recoverable from Quakers before two neighbouring justices in the country, a cheap and easy method is provided for the parson to recover those wages, or that maintenance which is due to him by law; and this method has been found so effectual, that every wise and good-natured parson in the kingdom has always chosen it, because he found he could thereby come speedily at his right without vexing and ruining his neighbour, the Quaker, by a tedious and expensive suit, for that which his conscience would not permit him to pay till he was compelled by due course of law: But the method by that act provided, appears to be deficient in two respects; First, that it does not allow any tythes above the value of 10*l.* to be recoverable before two justices; and the other, that it leaves to the incumbent, or any other person entitled to tythes, an option to prosecute for the recovery of his tythe, either in this cheap and easy method, or in the most vexatious and expensive method he can think of. As to the first of these defects, it has been deemed, and I think it is evident, that two neighbouring justices of the peace are as capable to settle and ascertain a claim of 100*l.* as they are one of 10*l.* provided there be no matter of law or right in dispute; and since in our supreme courts the value of any such claim is always settled and ascertained by juries, I cannot think but that two or more neighbouring gentlemen who have the honour to be in the commission of the peace, are as capable to settle and ascertain such a claim, as any twelve tradesmen or farmers in the county; for this reason all tythes due from Quakers have since been made recoverable before the justices of peace: But as to the other defect, it stands as yet unremedied, and I must call it an intolerable one; for to leave to every incumbent, or other person entitled to tythes, an option to prosecute in the most vexatious and expensive way, whenever he pleases, is the same with giving him a power to oppress or persecute his neighbour when he has a mind: When this power is made use of against a neighbour who is not a Quaker, it must even then be called oppression; when it is made use of against a neighbour who is a conscientious Quaker, it is downright persecution; and therefore, my Lords, I must say, that I am surprised to find, that this last defect has not been remedied long before this time: I must say, we are extremely obliged to the people called Quakers, for making us observe a defect in our laws, which perhaps has occasioned, but certainly may occasion a great deal of oppression and persecution; and now that it has been laid before you, I cannot doubt but that your lordships will unanimously concur in contriving some method for remedying the same.

The scope and design of the Bill now before us, is for remedying both this last defect in the most effectual and safe method that can be thought of; and for obliging all men entitled to tythes for the future, to take that method of recovering them, which every wise and good-natured man has taken ever since it was established. I do not know, my Lords, but the Bill, as it stands at present, may have occasion for some amendments; whatever amendments it may stand in need of, will best appear in the committee; and considering that we shall there have the assistance of the reverend bench, as well as the two learned Lords whom we have now the happiness to have among us, I am convinced we may be able to make such amendments in the Committee as will render the Bill as effectual and perfect as the design of it is necessary and Christian. For this reason I shall not trouble your lordships with any of those amendments I may think necessary, but shall only move for the Bill's being committed.

To this it was answered in substance as follows, viz.

"Whether the tythes payable to the church be of divine right, or no, is a question, my Lords, which cannot any way be brought into the dispute now before us; but as there is at present among us a set of men who pretend to make it a case of

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conscience, that they ought not to pay tythes, and as it has been said that the divine right of tythes was once strongly insisted on, and consequently, that they ought not to be sued for in any court but the spiritual court, I may, I think, suppose a set of men who made it a case of conscience not to sue for their tythes in any courts but the ecclesiastical: Now, if there were any such set of men among us, I should be glad to know how we should manage between the tender conscience of the Quakers of one side, and the tender conscience of these divine-right-men on the other; for I must think, that it would be as great persecution to take from a man all means of recovering his property, except that which he pretended he could not in conscience make use of, as it would be, to leave to a man freedom of suing in that way which he might think most effectual for recovering his property from another, who pretended that he could not in conscience part with it till compelled by due course of law. I do not know, but some of those who are now for shewing so great a regard to the tender conscience of the Quakers, would be very apt to call the pretended conscience of these divine-right-men a most ridiculous obstinacy: They would probably say, that if these men had a mind to remain so obstinate as not to sue for their property in that method which the law prescribed, they deserved to lose it; and indeed I should be very apt to join in the same opinion.

I am for liberty of conscience as much as any lord in this House; I shall always be against persecuting or oppressing any man, either in his person or property, on account of any dispute or opinion in which conscience can have a concern; but conscience can have no concern in any thing but matters of faith, or religious worship: it can never be brought in justification of an immoral action, and much less can it be pretended in any affair that relates only to property. If conscience could have any thing to do in the case now before us, I am sure it is so far from being with Quakers, that it is directly against them. No man will now pretend, at least in this kingdom, that tythes are due of divine right to the church; but no man can doubt of their being due by law to the person who has got a right to them. The incumbent has generally, by law, a right to the tythes within his parish, he has as much a property in them, as any man in the parish has to the estate he enjoys; and if a Quaker be in possession of that, which is by law the property of the incumbent, he is certainly, in conscience, bound to deliver it to the right owner; and if he refuses, the proprietor ought to be left at liberty to sue for his property so withheld, not only in that manner which may be most effectual for recovering it upon that occasion, but in that manner which may be most effectual for preventing his being put to the like trouble on any other; for it must always be a trouble to a man to be obliged to sue for his property; and we know that, upon such occasions, besides the trouble, a man is generally put to a greater expence than he recovers by any costs of suit that can be given him. This, my Lords, is so true, that most men chuse rather to give up a small demand, than to be at the pains and the expence of suing for it; and this is so well known to those from whom such demands are due, that nothing but the great expence they may be put to prevent their standing the suit; which terror would be entirely removed from the Quakers, if this Bill should pass into a law; from whence we may conclude, that no one of them would then pay the least tythe without a law-suit; and what a terrible thing would it be, to oblige every incumbent in England to dance after the justices of the peace, and perhaps to the next assizes, for every little claim of tythe he might have upon the Quakers within his parish? Nay, I do not know but this privilege of vexing and perplexing the incumbent with impunity, in order to make him give up his just demand, would make most of his parish turn Quakers; for though a proper indulgence ought to be granted to Dissenters of all denominations, yet it is certainly dangerous, and inconsistent with all the maxims of true polity, to grant to any of them a privilege or advantage which is not enjoyed by those of the established church.

As all pretences to a divine right, with respect to tythes, are now given up, no man ever pretends to demand them, or to sue for them, by virtue of any divine right, they are to be looked on as a tax or a rent, due to those who have got or purchased the right to them; and for a man to pretend, that his conscience will not allow him to pay a tax or a rent which is established by the laws of his country, is, in my opinion, a most ridiculous pretence; but it is still more ridiculous for a man to pretend, that his conscience will not allow him to pay such a tax, and yet apply to Parlia-

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ment for a new method, or for any method of compelling him to pay such a tax. It is a sort of juggle, a sort of playing with conscience, which ought not to be countenanced by the legislative power of any kingdom. The scruples of a tender conscience will always, I hope, be greatly regarded by this House, when they are founded upon any thing of a religious nature; but to with-hold from a man his property, to refuse paying a [illegible] established by the laws of the kingdom, and to pretend a scruple of conscience for so doing, is what can have no foundation in religion. If the nonjurors should pretend, they could not in conscience pay taxes to this government, they might perhaps be as sincere in that scruple of conscience, as the Quakers are in the scruple of conscience they pretend, with respect to the payment of tythes; and as governments have been said to be *jure divino* as well as tythes, they might claim the same pretence for making it a scruple of conscience; but such a pretended scruple of conscience would be so far from deserving any countenance or indulgence from this House, that it ought, and certainly would be looked on as seditious; and therefore an application from them, for an easy and cheap method of compelling them to pay those taxes, which they pretended they could not in conscience pay voluntarily and freely, would certainly be treated with the utmost contempt. Yet, in this case, the conscience of the nonjurors seems to have a greater concern than the Quakers can pretend to with respect to tythes; for our taxes are exacted from every man, as legally imposed and justly due, which no man can admit who does not acknowledge the government; whereas tythes are never pretended to be exacted as due by divine right, they are exacted as due by the law of the land only, which is what no Quaker pretends to deny.

That two country justices are as capable of settling and ascertaining a claim of 100*l.* as they are one of 10*l.* may perhaps be granted, and that two or more gentlemen, who have the honour to be in the commission of peace, may be as capable to settle and ascertain such a claim as any twelve tradesmen or farmers in the county, may likewise be true; but this argument will operate much farther than is now designed; for the same argument may be made use of for taking from the king's courts, and transferring to the justices of the peace the cognizance of every cause, where no matter of law or right is concerned: which none of your lordships would, I believe, agree to. It is no reflection upon the justices of peace in general, or upon any justices of peace in England in particular, to say, that there is more reason to suspect them of partiality, than there is to suspect the judges of the supreme courts of equity or law. Men are naturally partial in cases where their friends, their relations, or even those of their intimate acquaintance, are concerned: this is a weakness incident to human nature, a weakness so well known to the legislature of this kingdom, that we have an express act of parliament for preventing any man's being a justice of assize in the county where he was born, or doth inhabit; for this reason care has always been taken by our laws, to give a cognizance to justices of peace of small causes only; because in them it cannot be supposed that persons are often concerned who may be related to, or acquainted with any of those gentlemen who have the honour to be in the commission of the peace; and the solicitations, which are of late too much countenanced by some justices, can give no great encouragement to the legislature to extend their jurisdiction. We ought to consider, that every tythe is a rent annually becoming due; and as the determination, with respect to the rent of one year, may be looked on as some sort of precedent or rule for determining the value of that rent in every succeeding year, the value of the cause or suit is to be computed from the price that rent might be sold for, therefore, as tythes are generally sold for thirty years purchase, the value of a suit for a tythe of 10*l.* value is to be computed at 300*l.* so that if the two justices the incumbent applies to should deal partially, and give him but 5*l.* instead of 10*l.* the damage they do him must be computed at 150*l.* for though he should, in the next succeeding year, get a new decree for 10*l.* for that succeeding year, this new decree may in a great measure repair, but does not lessen the damage that was done him by the first; and therefore, though tythes of any value due by Quakers, may now be recovered before the justices; yet I must think it would be very wrong to confine the incumbent to that method only.

It is true, my Lords, that in our supreme courts, when the *quantum* or value of the tythe demanded comes in question, that *quantum* or value is generally settled and ascertained by the verdict of a jury; and if the jury-men were under no direction,

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nor could have any assistance from the court, two or more justices might perhaps be as capable to settle and ascertain that *quantum* or value as a dozen of jury-men; but as the jury-men always have the assistance of the court in the examination of the witnesses, and generally take the direction of the court, with respect to what may or may not be deemed a proper and full proof; and as the jury-men are seldom known, or can be solicited and influenced by either party, I shall always think my property more secure, when tried in a proper and legal manner by a jury, than when I am subjected to the arbitrary decision of any number of justices of the peace: and I believe every man in England is of the same opinion. It has always been reckoned, that our method of trial by jury, is the great barrier and the chief safe-guard for the properties of the people of England; and why we should, at once, deprive all the clergy of the established church of that barrier and safe guard, with respect to a great part of their properties, I can see no reason: I must confess, the very attempt appears to me in a most extraordinary light; especially when I consider, that we owe the preservation of our liberties as well as properties, in a great measure to the noble stand made by them, against the encroachments that were made upon both immediately before the revolution; from whence they have, I think, the strongest reasons to expect, that no safe-guard for their properties will be taken away by that government, which chiefly owes its establishment to their behaviour, at a time when the properties of all but themselves were in danger; for, by a slavish compliance at that time, I believe it will be granted they might have increased, instead of diminishing the property of the church in this kingdom.

To alter the known laws of the kingdom or the ancient methods of proceeding in our courts of judicature, I shall always, my Lords, look upon as a most dangerous experiment; and therefore I shall never give my consent to any such alteration, for the sake only of a possibility, that some ill use may be made of the laws as they then stand. In such cases, I shall always think it necessary to see from the most clear and evident proofs, that some bad use of them has been made, that some grievance has been generally and sensibly felt; and, as the laws now in being, and the methods of proceeding for the recovery of tythes, have been for a long time established, I shall never give my consent to any alteration, and much less to such a thorough alteration, or rather subversion, as is proposed by the Bill now before us, without a full proof that great inconveniencies have arisen from the laws and methods of proceeding as they stand at present. This I think is absolutely necessary upon all such occasions, but more especially in the present, where the private property of so great and considerable a part of our people is highly concerned: this the Quakers might easily have foreseen would be wanted; and the question that arose about it in the other House, ought to have been a warning to them to provide for it in case it should come to be wanted in this; for though the question was carried in the other House, against the necessity of having any such proofs laid before them, it was not from thence to be concluded, that this House would be of the same opinion: in a case of such a high nature, it was ridiculous to imagine that we would admit of any parol evidence: for if we had, it is certain we could from such evidence have heard only the tattles and observations of attorneys and lawyers clerks, we could not have made any judgment of the vexatiousness of the proceedings, nor could we have judged, whether the delays and expences had been owing to the persecuting spirit, as it is called, of the plaintiff, or to the litigiousness of the defendant; of this we can form no judgment but from authentic records; and therefore those who intended or expected the Bill should pass, ought to have had them prepared and ready to lay before us.

I must take notice, my Lords, that the Bill for regulating the quartering of soldiers at the time of elections, was not an alteration of any of our known laws, nor of any of our ancient forms of proceeding; on the contrary, it was not so much as a new law: it was only a declaratory act, for declaring and enforcing that which was before the law of the land; and therefore there was no necessity or occasion for any proof or indeed for any surmise, that a breach had been made of that which was before the common law of the kingdom. But with respect to the repeal of the act de Hæretico comburendo, or of that for the burning of witches, I am surprised to hear the repeal of either mentioned upon this occasion; for surely it is neither so ridiculous nor so cruel, for a clergyman to sue a Quaker in the king's courts, or even

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the ecclesiastical courts for his tythes, as it would be to burn a Quaker for an heretic or an old woman for dealing with the devil. These were two laws which never could be used without being abused; nor could the private property of any man in the kingdom be injured by the repeal of either of them: whereas the method of suing for the recovery of tythes in the king's courts, or even in the ecclesiastical courts may not only be used without being abused, but often becomes necessary, because the tythes so sued for, cannot be recovered in any other way; and the repeal of those laws, by which these methods of suing are established, is a repeal by which the property of a very great number of our most useful subjects may be injured.

To imagine, my Lords, that we can contrive and prescribe an effectual method for recovering any sort of property, which cannot possibly be oppressively and vexatiously used, is an imagination in which I am afraid, we shall always find ourselves disappointed. We may indeed take away all effectual methods, and leave it entirely to the justice and good will of the debtor, whether he will pay what he owes, or of the person who has got the possession of another's property, whether he will restore or no, which seems to be the intention of the Bill now under our consideration; but it is impossible to prescribe by law an effectual method, which may not sometimes be vexatiously or even oppressively used; it is the business of the courts of judicature to prevent oppression and vexation as much as they can, and they do always punish it when discovered, by loading the oppressive or vexatious party with costs. When the costs of any suit run high, we are not always to ascribe it to the oppression or vexation of the plaintiff; on the contrary, the costs of suit are generally enhanced by the obstinacy and litigiousness of the defendant. There is no suit can be commenced for settling the quantum or value only of tythes, where the costs can amount to a very great sum, unless they are enhanced by the litigiousness of the defendant: and in suits for tythes, as well as in all suits for other demands, the defendant may prevent his being loaded with any future costs, by consigning what is due; for if the plaintiff can prove no greater sum due than what was so consigned, he can recover none of those costs he has put himself to by his own litigiousness. It is generally, therefore, the perverseness or the neglect of the defendant, that enhances the costs of suit; and, notwithstanding all the clamours raised about the excessive costs Quakers have been loaded with, I believe, if we were to examine the records, we should find most of these excessive costs owing to the same cause.

As the laws stand at present, the incumbent has several ways for recovering his property. He may sue in the ecclesiastical court, or he may recover by filing a bill in the Exchequer, or he may bring his action upon the statute, or lastly, he may bring his complaint before the justices of peace, if his claim be made under 40*s.* or for any sum due by a Quaker. Now to take from him all these remedies but the last, which is the most ineffectual, I take to be such an encroachment upon his property, that I cannot agree to it without some other and stronger reason, than the mere possibility that he may make a bad use of the other remedies provided for him by law; especially considering that it seems to me evident, that no bad use has been hitherto made of those other remedies: for, if we consider the multitude of Quakers that are in this kingdom, the obstinacy wherewith they refuse to make any voluntary payment of tythe, and the natural partiality which every justice of the peace must have against tythes, it is surprising to me that so few instances can be brought in a course of forty years, of any suit in the ecclesiastical or superior courts for those tythes, which might have been recovered before the justices of peace; and if we were to examine into the reasons for bringing any such suits into the ecclesiastical courts, we should probably find they no way proceeded from a spirit of persecution, but from an impossibility of recovering before the justices; or perhaps from the preceding behaviour of the Quaker; for if an incumbent should endeavour to recover his tythe from a Quaker, by a complaint to the justices of peace, and should there, by the solicitation and management of the Quaker, meet with injustice and partiality, he might probably, for that time, acquiesce in the partial determination of the justices, but it would be a good reason for him to prosecute the next claim he might have upon that Quaker, in the ecclesiastical, or in some of his Majesty's courts in Westminster-hall.

This, my Lords, the Quakers know the incumbent may do, as the laws stand at

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present, and this prevents their making use of any solicitation or other unfair means for influencing the determination of the justices of the peace in the country; but if you take away this option from the incumbent, if you leave him no other remedy for recovering his right but a complaint to the next justices, and never allow him to enter the King's courts, till he has passed this new turnpike of the law, we may then expect that the Quakers will use all possible means, both with the justices and the witness, for defeating, or at least diminishing, the most just demand that can be set up by the incumbent; and considering that both his judges and his witnesses must always be persons who are themselves liable to tythes, it is I am afraid too much to be apprehended, that the judges, the witnesses, and the defendant, will combine together in bringing the complainant's demand as low as common decency will admit of. Nor can this partiality be remedied or redressed by the judges of assize; for the witnesses will there support and confirm what they have before sworn to before the justices of peace; and the judges of assize will often find the evidence so contradictory, that they will be at a great loss how to determine, or which side to believe, being deprived of that method of trying the facts in question by the verdict of a jury, which is the method our courts of equity always have recourse to, when they find witnesses swearing in flat contradiction to one another.

I shall always be, my Lords, for lessening the expences of law-suits as much as possible, and for making the recovery of property as easy and expeditious as the nature of such suits can admit of: for this reason, if the Bill now before us had answered the title, I should have readily agreed to its being committed; but it is so far from answering the title, that it will, in my opinion, render precarious the property both of clergymen and Quakers; and it is really one of the most incorrect and confused Bills that was ever, I believe, sent up to this House. The King's courts, and all other courts, are to be for ever excluded taking any cognizance of the value of tythes due by Quakers, and a new sort of jurisdiction, with respect to them, is to be given to justices of peace; but the words by which this jurisdiction is to be given are very extraordinary, these justices are neither to order or decree as judges, nor are they to award as arbiters, but they are to adjudge, and yet there are no proper powers given them for discovering what they are to adjudge; for if the Quaker should refuse or neglect to appear, what are the justices in that case to adjudge? Are they to adjudge whatever may be suggested to be due by the complainant, or are they to adjudge only what he is able to prove? If they are to adjudge according to the suggestion of the plaintiff, the Quakers will be in a most dangerous situation; for they may often have a distress brought upon their goods for a great deal more than is due, without their being apprised of a complaint's having ever been made against them; and if the justices are to adjudge only according to the proof that may be brought by the complainant, it may often be impossible for him to prove his just demand by any witness, nor can he, through the defendant's contumacy, prove it by the oath or confession of the party; yet in this case the adjudication made by the justices is, by this clause in the Bill, to be absolutely final and conclusive to all parties: indeed by a following clause, there is an unlimited and full power given to any person, thinking himself aggrieved by any determination of the justices, to appeal from the same unto the judges of assize; and which of these clauses is to be of the greatest authority, I do not know, for they are certainly inconsistent with one another.

As the incumbent has but one tenth, and the farmer nine tenths of the crop upon the ground, the common law, my Lords, and all our statutes till this present time, have most justly left the care and the management of the whole to the farmer; he may remove his crop whenever he pleases, providing he leaves upon the ground one tenth for the incumbent, and the incumbent is to carry away his tenth in a convenient time; but by the Bill now before us, the whole crop must depend very much upon the care of the incumbent or his tything-man; for the farmer being a Quaker, his conscience will not allow him, as is pretended, to set out the tythe, and therefore he must leave his whole crop upon the ground, till the incumbent or his tything-man pleases to come and set it out for him, otherways he must forfeit the double value; so that in this unsettled climate he may often lose his whole crop, in waiting for the incumbent's tything-man. But if the Quaker's conscience should prompt him to disobey this new law as well as the former, let us consider what

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condition the incumbent will then be in; he cannot file his Bill in the Exchequer for a discovery, as he might formerly have done, he can only bring his action for the double value; and if he can bring no proof of the value of the tythe taken away, which is often the case, how can he recover the double value? If he chuses to bring his complaint before two justices of the peace, his case will be the same, the Quaker will not appear to be examined; and as the incumbent can bring no proof of the tythe taken away, the justices can make no adjudication.

I must likewise take notice, my Lords, that this tything-man, this new judge, that is by this clause to be appointed, seems to be invested with a very arbitrary sort of power, and may not only be a tythe-gatherer, but a tax-gatherer, both upon the Quaker and incumbent; for he is made liable to no controul, nor to any punishment, in case he should deal unjustly or unequally in setting out the Quaker's tythe; so that he may first induce the incumbent to give him a fee, by promising to take special care of his interest in setting out the tythe, and then he may compel the Quaker to give him another fee, by threatening that, if he does not, he will take such a method of setting out the tythe, as shall be very much to his disadvantage: such a threatening must certainly be of great weight with the Quaker, because if he should remove any part of the tythe so unequally set out by the tything-man, he is made liable to an action, I believe, for double the value of the whole tythe; and in case of such injustice committed by the tything-man, there is no redress provided by this or any other clause in the Bill. Let us consider, my Lords, that this tything-man must generally be a man of low circumstances, and perhaps of as low a character; and let us consider how apt such men are to make use of any power they are invested with, for raising perquisites to themselves, especially where no fee or proper reward for their service is appointed by law; which I must take to be another defect in the Bill; for the tything-man ought certainly to be paid for his trouble; and since the employing of any such man is entirely owing to the Quaker's scruple of conscience, as it is called, I cannot think it reasonable, that the incumbent should be obliged to pay for the Quaker's scruples; yet this is the case as the Bill stands at present; for as the tything-man is to be appointed and be employed by the incumbent, the incumbent must certainly pay him for his trouble.

This shews, my Lords, how dangerous it is to alter the established laws of a country, how difficult it is to form any new law, which may not expose some men to great hardships and inconveniences. I could point out many other imperfections in the Bill now before us: There is not any effectual method prescribed for compelling witnesses to appear either before the justices of the peace or the judges of assize; for as the witnesses may often be such as have neither goods nor chattels, a distress will signify nothing, and there is no provision made for the imprisonment of their persons, or for subjecting them to any other punishment in case of contempt: But I need not enter farther into particulars; the Bill is not only defective in every paragraph, but the whole scheme of it is wrong; which, I believe, proceeded from the method of passing it in the other House: A Bill was brought in there for the purpose mentioned in the title of this Bill; that Bill which was first brought in, (I think I may mention it, because it was printed) was even there acknowledged to be wrong, and therefore, in the committee, they amended it in such a manner, as to make it, in a great measure, a new Bill; this hurry occasioned even that new Bill, which is the Bill we now have before us, to be extremely defective, and if we proceed in the same manner, we may probably fall into the same error; for I think it impossible to make a proper Bill of that we have now before us, without altering the whole, which, according to our methods of proceeding, cannot be done in the committee; for as the Bill would then be a new Bill, it could not be pretended that such a Bill had been twice read, then committed, and after that read a third time, which is the method of passing Bills constantly observed in this House.

But suppose, my Lords, it were consistent with our forms of proceeding, yet considering that the forms of proceeding in so many of our courts of judicature, and such a great part of our law must necessarily come under our consideration, I think it impossible to alter or amend this Bill, or rather to draw up a new Bill proper for the purpose designed, either in the Committee, or in the short time we have now to sit; at least for my own part I declare my incapacity; and therefore, I hope I shall be excused from having any hand in the affair. For these reasons I

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must think, that the referring of this Bill to a committee, will be taking up the time of this House to no purpose, and therefore I must be against it.

The Reply was to this effect:

My Lords; As I am to declare myself in favour of the Bill now under our consideration, from what has been said of the other side, I think, it is incumbent upon me first to declare, that I have as great a regard for the established church, and for the properties of the clergy, as any lord in this House, as any man in the kingdom can reasonably have; and if I thought that anything in this Bill would in the least injure the church, or deprive the clergy thereof, of the smallest part of that property which is due to them by law, I should be for rejecting the Bill with the utmost contempt. We all know, my Lords, or have heard of the noble stand made by the clergy of our national church, against those schemes of arbitrary power which were set up before, and which were the causes of the late happy revolution; but I cannot think that the properties of the clergy of our church, were then in any greater security, than the properties of the rest of their fellow-subjects: By a slavish compliance they might, indeed, have greatly increased the properties of another church; but they could not so much as have preserved their own, or even their lives, without carrying that slavish compliance so far as to betray that church, of which they had declared themselves members, and abjure those principles of religion, which they had undertaken, which they had sworn to promote. We likewise know, how firmly attached most of them, I hope all of them, are to the present happy establishment; and for so being, they have certainly the strongest reasons; for they may depend on it, that this government will always support the church in general, and will protect every one of them in particular, so far as may be reasonable or consistent with the government of a free people.

At the same time, my Lords, that I declare my attachment to, and my regard for the church of England, I must declare my good-will and my charity towards those people called Quakers. I have always looked upon them, as a most useful and most innocent part of our subjects. Their universal charity and humanity, their great care of all those of their own persuasion, their private oeconomy, self-denial and industry, are virtues which deserve the regard and the imitation of all those of the established church: They contribute greatly to the riches of the kingdom, by the trade and manufactures they carry on, they aspire to no places of honour or profit, and they have never been, by their profession they cannot be, concerned in any disturbances raised against the state: For these virtues, and for these qualities, they must always deserve the countenance of the legislature; they surely deserve, at least, to be protected against all manner of oppression or persecution: And with respect to their behaviour at the revolution, or their behaviour ever since that time, they stand upon an equal footing with any set of men in the kingdom; but as no virtues, no qualifications, no merit, can entitle them to injure any man in his private property, or to expect any favours that may be inconsistent with the safety of the established church, they do not now, nor ever did, pretend to sue for any such thing: They only desire that that which is declared by the laws to be the property of another man, may be taken from them, without loading them with heavy and ruinous costs of suit; because their conscience will not allow them to admit that it does belong to another man, or to deliver it till compelled by some sort of law-suit.

There is nothing, my Lords, in my opinion, of a more tender nature than conscience; for if a man begins once to take any latitude, or use a liberty in any one affair in which he may think his conscience concerned, we generally find that he soon after begins to take the same latitude, the same liberty, in other affairs of the same nature; and at last he throws up conscience entirely, in every case where it seems to interfere either with his interest or his pleasures. For this reason, I shall always have a great regard for those men who shew a great regard to their conscience, even though it be in a case, where I may think the scruple ridiculous, where I may think that conscience is not in the least concerned. I shall agree with the noble lords of the other side of the question, that, in my opinion, conscience can have nothing to do but in matters of faith or religious worship: It can never be brought in justification of an immoral action, nor can it be pretended in any affair that relates only to property; but I cannot see from whence I can pretend to any title to judge for another man, what may, or may not be a matter of faith or religious

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worship: what may, or may not be an immoral action; or what may, or may not relate to property only. In either of which cases, if another man's opinion differs from mine, if he thinks his conscience concerned in doing or not doing an action, in which I may think conscience has no concern, or that it is concerned upon the other side of the question, I think I have no title to punish or persecute him for conscience sake. Nay, I think, if I should be in danger of suffering, or should actually suffer by his scruples of conscience, I might endeavour to prevent my suffering, or I might insist upon reparation, but I could have no title to punish him, for what his conscience prompted him to do, or not to do; on the contrary, I should think myself obliged in charity, to endeavour to prevent his suffering, or to take my reparation, by those means which would be of the least injury or damage to my conscientious friend. This, I think, is exactly agreeable to the principles of Christianity, and the contrary doctrine is that, upon which all manner of persecution may be founded; because, if I take the liberty, or rather the privilege to judge for another man with respect to his conscience, and to punish him as an obstinate man, because he thinks himself obliged in conscience, not to do that, in which I think conscience can have no concern, I may certainly, upon the same principle, take the privilege of punishing him for doing or not doing that, which I think he is in conscience obliged to do or not to do; for if I can punish a man for having too much conscience, I may surely punish him for having too little.

Now, my Lords, with respect to the case, or pretended case of conscience at present before us; I should have been glad to have heard it positively asserted by some of the noble lords who have spoke upon the other side of the question, that tythes are not due by any divine right in the church; because, I believe, such a positive declaration would have given great satisfaction to the Quakers; and would, I am sure, have rendered them less excusable: for my own part, I am fully convinced, that tythes are not due by any divine right either in the church, or in any other person political or natural; and should be glad to hear myself contradicted, because I am now ready to argue the point. I know that no such thing was pretended during the first ages of Christianity; this divine right was not set up till the 8th century; it was first set up in France, where the abbots and monks had got possession of most of those estates that had been appropriated for supporting the parochial clergy: and as those priests were not willing to give up what they had got once into their clutches, and were too powerful to be compelled, they first broached that doctrine of tythes being due by a divine right in the church, in which the government and other priests found themselves obliged to join, because they had no other way of providing for the parochial clergy, who are certainly of all priests the most useful to society. By this means the doctrine was soon established, and for a whole century after, became the subject of almost every sermon, not only in France but in every country of Europe; so that one could hear nothing from the pulpit but the divine right of tythes, and the damnable sin it was to deprive or defraud the church of them. As it was at that time dangerous to contradict or oppose the most ridiculous doctrine that could be set up by the priests, this, among many others, was generally received, and every landed gentleman or farmer paid tythes out of every sort of produce from his land, every merchant paid tythes out of the profits of his trade, every tradesman and mechanic paid tythes out of the profits of his or his servants labour, nay, the very soldiers paid tythes out of their pay. Thank God, my Lords, we are not now in this kingdom obliged to render an implicit faith to what any set of men may tell us, and this doctrine, with many others, has met with the fate it deserves; but do not let us imagine it is as yet without advocates, or even without believers; and as long as there is one advocate for it in the kingdom, the Quakers ought at least to be excused for making the contrary doctrine an article of their faith, and consequently, a matter, in which their conscience must have a concern.

Whether there be now in this kingdom any person entitled to tythes, who thinks that they are of divine right, I shall not pretend to determine; but I never heard of one, who thought that he could not in his conscience sue for them in any court but the spiritual, when he thought he might meet with a more adequate, or a more speedy reparation, from the temporal. If there were any such conscientious divine-right men among us, I must say, that, notwithstanding my being convinced that the opinion is ridiculous, I should have as great

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a regard as possible for their scruple of conscience, and would be very far from thinking that they ought to be persecuted or ruined, singly on that account; but the conscience of such a set of men, if there were any such, could be of no weight against this Bill, or against a general prohibition of bringing any suit for tythes into the spiritual court, because they might sell the estates they had in tythes: and it would be no great injury, either to them or the public, to disable such persons from holding any estate in tythes; whereas it would be no great injury to the public, to disable all Quakers, or any other set of men, from being farmers, and it would be an injury to every particular man who had been bred to that business.

We are not now to dispute the property of tythes, or in whom it is lodged; though I take it, that till they are set out, the person entitled to them has only a right to them; he has not till then a property in them: However, this can make no material difference in the case; for whoever thinks he owes any thing to another, is as much obliged in conscience to pay what he owes, as he that has got possession of another's property, is in conscience obliged to restore that property to the right owner: But the Quaker does not think he owes tythe to any man, nor does he think that any other man can have a property, in any part of the produce of his labour and industry; therefore he does not think himself obliged in conscience to pay or restore. Nay, since tythes were at first pretended to from a divine right, and as such made payable by the laws of this kingdom, the Quaker thinks he cannot in conscience voluntarily and freely comply with such laws, because it would be at least a tacit acknowledgment of that doctrine upon which those laws were founded.

I shall grant, my Lords, that a person who, from mere obstinacy or litigiousness, refuses to pay till compelled by law, deserves to be prosecuted in the most expensive manner, in order to punish him with heavy costs, and to terrify others from being guilty of the same obstinacy or litigiousness; but when a person is unable to pay what is legally due, I say it is downright oppression, to sue for it in an expensive way, when the debt might be as effectually recovered in a cheap and easy method; and if a person refuses to pay what is legally due, because his conscience will not allow him to pay till compelled by law, it is downright persecution to sue in an expensive way, when the debt might be as effectually, and much sooner recovered by a cheap and easy method. It is without doubt an injury done to a man, to oblige him to go to law for the recovery of what is justly due; but with respect to the Quaker, this injury proceeds from a scruple of conscience, and therefore, the injured person, if he be a Christian, will seek for reparation in that method, which may be of least damage to the conscientious Quaker. In his case, I ought neither to punish nor to terrify. If I punish, for what do I punish? I punish a man for being conscientious. Is this just? If I terrify, for what end do I terrify? I terrify, in order to compel a man to act contrary to his conscience. Is this Christian? My Lords, no conscientious Quaker can pay tythes without a law-suit; and therefore the only effect this Bill can have, will be, that fewer Quakers will from henceforth be terrified by excessive cost to do that, which they cannot with a safe conscience do. Is this an effect to be dreaded? Is it not an effect to be desired by every man who professes himself a Christian?

It seems to be laid down as a maxim by some lords in this debate, That the Quakers can have no scruple of conscience in paying tythes, and upon this maxim, most of their arguments have been founded; but, my Lords, I lay it down as a maxim, that they have a scruple of conscience, and my maxim is certainly the most charitable: I shall not say that their scruple is well founded, or that it has any tolerable foundation; but we have had many people burnt in this very kingdom, for a scruple of conscience much like this of the Quakers. The Lollards, many of them, were burnt for not paying the tax called Peter-pence; yet that tax was then due by the laws of the land as much as the tythes are now: However, those poor people thought they could not in conscience pay it, and suffered being burnt to death, rather than get over that scruple of conscience: Surely they were in earnest; and I cannot think, that a man who suffers himself to be ruined and imprisoned, for the sake of any scruple of conscience, can be in jest. If, by some odd turn in our religious affairs, we should begin again to light up sacrifices in this kingdom, and should make a law for obliging every man to give the firstlings of his flock, or so much money yearly to his parish-priest for that purpose, I should not think him a very conscientious Christian, that would voluntarily and freely comply.

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with such a law; so that there may be cases supposed, in which an obedience to the laws of the land, in the payment of taxes, would really be inconsistent with a good conscience; and therefore, in charity, we ought to believe that the Quakers are sincere, in the scruple of conscience they pretend, with respect to the payment of tythes; for as they think that every man who is capable, or who is moved by the spirit, as they call it, is obliged to preach the doctrine of Christ without fee or reward, they may, and they probably do think it is inconsistent with christianity to preach for hire, or to give hire for preaching, as we would think it to sacrifice, or to give money for sacrifices. For this reason, I am against persecuting them with heavy costs; and for the same reason, if there were in the kingdom such nonjurors as have been mentioned, as long as they did not any way disturb the government, I should be for shewing all possible regard to the tenderness of their conscience; I should be for taking the taxes from them in the most easy and cheap method that could be contrived? So far would I be from looking upon their scruple of conscience as seditious, or treating their application with contempt, that I should be for taking the taxes from them in any manner they could prescribe, providing it did not injure the government.

Suppose then, my Lords, the Quakers are sincere in this scruple of conscience they pretend, let us consider the condition they are in at present, and the condition they desire to be in, in order to see whether they are now liable to any hardships, or if what they desire can injure the person entitled to their tythes. From what I have supposed it must be granted, that no conscientious Quaker can pay tythe till it is taken from him by law, that is, by the sentence or decree of some court: As the expences in recovering by this sentence, and of levying the tythe in pursuance thereof, must all come upon the Quaker, and as this expence must recur every year upon him, it is evident that, if this expence were large, every conscientious Quaker liable to pay tythes would soon be undone: for this reason a cheap and easy method for recovering tythes from Quakers has been provided: the person intitled applies to the two next justices, the Quaker does not contest the demand, and by the sentence of these two justices the person intitled takes his tythe without putting himself or the Quaker to any great trouble or expence, and this remedy has ever since been always made use of against Quakers by every good natured man in the kingdom: but let the tythe be ever so small, let it be but a shilling, if the person intitled be a lawyer or a cruel, avaricious, or malicious man, he may on account of that shilling which the Quaker cannot in conscience pay voluntarily, put the Quaker to 20*l.* perhaps 100*l.* charge; because he is not obliged to take the easy and cheap method of recovering his right before the two next justices, but may have recourse to an expensive suit in the Exchequer, or a more expensive one in the spiritual court; and as these demands for tythe return every year, it is plain that the Quaker must in a short time either give up his whole estate, or his conscience. If the person intitled to tythe be a lawyer, he will probably take this last method for his profit; if he be a cruel or malicious man, he will take it for his pleasure; and if he be an avaricious man, he has from hence a most excellent handle for obliging the Quaker to give him yearly a large contribution, in order to prevail with him to take his remedy for tythe before the two next justices of the peace. To this I shall add, that if the person entitled to tythe be a clergyman, and one of a persecuting spirit, he will probably, for the satisfaction of that spirit, take this last method, to the great scandal of our established church. Nay, such a man may probably instead of taking the Quaker's goods by distress, take his person in execution, in order to compel him by imprisonment to abjure his religion, which would be a method of converting, your lordships would not surely approve of.

Your lordships must from hence see what an infinite series of oppression and persecution the Quakers are subjected to by the laws as they stand at present; and from this oppression or persecution no Quaker can free himself, but by giving up his conscience, or giving up his farm; the first, I am sure, no good man will desire, the last would be a great injury to the public as well as to the Quaker himself. After the suit is once commenced, let it be in what court it will, the Quaker cannot put a stop to the expence by consigning the money due, as has been mentioned by a noble lord of the other side: that consignation he must look on as a voluntary payment of tythe, and that his conscience will not allow him to make. But besides, he may, and probably will be sued in the ecclesiastical court, which is a court in which his conscience will not so much as admit him to appear; it is a court

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where no man ought to be made to appear for the recovery, or for the defence of any temporal right: the very sentence they pronounce, as it is a damning sentence, I may beg leave to call it a most damnable sentence, to pronounce such a sentence is most unchristian: to excommunicate a man for the value of perhaps 4*d.* is terrible, and to imagine it has the effects pretended, can proceed from nothing but a belief in that Antichristian power set up by the church of Rome.

Having thus laid before your lordships the hardships the Quakers are exposed to, I shall next beg leave to explain what I take to be the intention of this Bill, for it seems to have been very much misapprehended. By this Bill it is proposed to be enacted that the person entitled to tythes instead of suing for them in the spiritual court, shall bring his complaint before two justices of the peace in the same county, and they are empowered and enabled to examine into the affair by the oath of the party, by witnesses or otherwise, to determine, award, and adjudge what they think to be due, and to levy the same by distress and sale of goods, or by imprisonment of the person, when sufficient goods, are not to be found; but if the Quaker appears before the justices, and contests the value of the tythes in dispute, in case the justices should, by mistake or otherwise, do an injury to either party, there are two remedies provided, one of which is common to the defendant, as well as complainant, which is, that either of them may appeal to the judge of assize; but the other is for the complainant only, and is such as he cannot, I think, make the least objection to; for he is left at liberty to take any one of the remedies for the recovery of his tythe, to which he is now entitled, and is to have all his costs in case he recovers more than was adjudged to him by the justices: he may sue in the ecclesiastical court, he may bring his action at common law, or he may bring his Bill in the exchequer for a discovery, in the same manner as if this Bill had never been thought of; but if any such action or suit appears to be vexatious, by his not recovering any greater value of tythe than what was adjudged him by the justices of the peace, he is then most justly, I think, to pay costs to the defendant. Then, as the Quaker can never in conscience set out the tythe himself, or cause it to be set out, and as the incumbent may chuse to have his tythe in kind, which he cannot possibly have at present, there is this remedy provided, a proper person is to be employed by the incumbent, who is empowered to enter upon the Quaker's ground and set out the tythe, which the incumbent may then remove at his pleasure.

By these regulations your Lordships must see, that the Quaker will be set free from that oppression and persecution he is now exposed to; if this Bill passes, which I hope it will, he cannot hereafter be terrified into the making a sacrifice of his conscience, nor can an avaricious incumbent oblige him to commute for such a sacrifice, by bribing him not to prosecute in any expensive court; and whether the incumbent or any other person can from these regulations receive any injury will best appear by considering the objections that have been made against them.

I do not know, my Lords, but there may be more reason to suspect the justices of partiality, than to suspect the judges of his Majesty's courts in Westminster-hall; but I do not think they can be suspected of more partiality than the judges of ecclesiastical courts. However, suppose the justices to be generally partial, what reason can be assigned for their partiality's being generally in favour of Quakers? There are many of them who are themselves proprietors or tax-men of tythes; and as the complainant will always have his choice of the whole commission of the peace for a county, he will certainly carry his complaint before two justices, upon whose candour, perhaps, upon whose favour, he may with confidence rely; so that if there is any partiality to be apprehended, it may justly be suspected that the partiality will be oftener against than in favour of the Quaker. Then as no complaint for tythe is by this Bill to be determined by the justices, if any matter of right be in question, as no complaint is to be determined by them, but only such as relate to the tythe upon a small spot of ground, and for one year only, it is certain, that the justices of peace are, by the laws now in being, made judges in many cases of greater value than any such complaint can be of; for, considering the vast difference in the produce of lands between one year and another, it is impossible to imagine, that one year's determination can be any rule for measuring the value of the very next year's produce, and much less for all succeeding years; therefore the value of the complaint or suit in which the justices are to be made judges, is not

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to be computed from the price the tythe might sell for, but only from what is then before the justices, which is the value of one year's produce.

I confess, my Lords, I have a very great veneration for our method of trial by jury; I have always looked upon it as one of the safe-guards for the lives and the liberties as well as the properties of the people of this kingdom: and therefore I shall always be for preserving that method in all trials where any matter of right, or any matter of great value, comes in question; but I cannot think that the method is so absolutely necessary in causes where a trifling sum only comes to be in dispute; and in the case now before us, it would be quite useless to order a trial upon every occasion; because, as the Quaker refuses his tythe only for conscience sake, he will never contest the matter before the justices, or oppose their giving sentence for what he knows to be due by the laws of the kingdom: there will never be any dispute before the justices, but when the incumbent and the Quaker cannot agree about the value: and in such a case, you may order that the two justices shall report the affair to the quarter-sessions, and that the case in dispute shall be there tried by a jury. This will be but a small and an easy amendment to the Bill; it will be very far from making it a new Bill: therefore it may be made in the Committee, and yet I believe it will be the most material Amendment the Bill will stand in need of.

The known laws of the kingdom, or the ancient methods of the courts of judicature, ought not, I acknowledge, to be altered, but upon the most mature deliberation. But, my Lords, our laws are not like the laws of the Medes and Persians, they may be altered, they ought to be altered, when time, which is the touch-stone of every law, and of every method of proceeding, has discovered, that it stands greatly in need of an alteration or amendment. I must so far agree with the noble lord as to declare, that I should not be for altering an established law or method of proceeding for the sake only of a mere possibility, that an ill use might be made of it; but when there appears to me a great probability that an ill use will be made of it, I must be of opinion, that it is then high time to think of an alteration, and to contrive some method for preventing that inconvenience which is likely to arise. This is the case at present, it has been discovered to us, that a considerable number of our fellow-subjects are exposed by the laws as they stand at present, to be oppressed and persecuted by others, who find a particular and private advantage in doing so, and who cannot naturally be supposed to bear them any extraordinary good-will: Is this a mere possibility? Is there not the highest probability, that, where a man has a power to oppress, and can find an interest or a satisfaction, or both, in so doing, he will make use of that power? And when a great number of such men are invested with such a power, is there any doubt to be made, but that some of them will make use of it? In the case of such an apparent, I may say, of such a certain evil, are we to wait till numbers have been oppressed and ruined? And are we even then to insist upon legal proofs of that oppression? No, my Lords, it was never the custom of this House, nor I hope ever will. We have made many laws, we have altered many laws, for preventing inconveniences, without the least proof that ever any such inconveniences had been felt. The late act for regulating the quartering of soldiers was certainly some alteration of the law in that respect; and was made for preventing an inconvenience which had really never happened. The law for burning witches, the law 'de hæretico comburendo' were both repealed, as before alledged, without any legal proofs. It is said they could never be used without being abused; I say the same of expensive suits against Quakers, for tythes that might have been recovered before the two next justices; and I must say again, it is almost as cruel to ruin a Quaker by such expensive suits, and thereby expose him to starve or rot in jail, as it would be to burn him for a heretic, or to burn an old woman for dealing with the devil. The first and the second of these cruelties, certainly proceed from the same spirit, and we find that the power of the devil with respect to witches, has generally kept pace with the power of priests over heretics.

I am convinced, my Lords, if it had been thought absolutely necessary, we might have had many proofs of oppressions and persecutions in the case now before us. Considering the nature of mankind, where there is such a handle for oppression, it is not possible to imagine, but that some of those many who might use it, have used it. I shall not pretend to find fault with the order your Lordships have made, but I must still think, we might have got some

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information even from lawyers' clerks; they could have told us a great many facts, and after we had heard them, we might have given what credit to them we pleased, and we might have formed such a judgment upon them as we thought proper; nay, for our farther information we might have called for those particular records that had been mentioned. But could we expect or desire that the Quakers should have brought before us authentic copies of a great number of records, and that without any particular direction? Let us consider what a vast expence this would have been. Let us consider there is nothing in the preamble of the Bill that required any such expence; and we must therefore conclude, that no prudent man would have put himself to such an expence. We have given them leave to produce evidence which they told us they had not, we have restrained them from producing that evidence they told us they had; and now we say we cannot alter the law without proofs that a bad use has been made of it as it stands at present. The method of recovering tythes before the justices of peace has been found so easy and so effectual, that, as it is acknowledged of all sides, every wise and good-natured man has ever since chosen it. What are we then to do by this Bill? We are to clip the wings of the unjust, the malicious and the oppressive: we are to take from them a power to oppress, a power to persecute, because they have made, and it is certain they always will make a bad use of it. I am surprized, my Lords, to hear so many difficulties started against such a Bill.

But there is another reason, my Lords, why I wish you had heard some of those witnesses the Quakers had to bring before you. They might have given us some account of the costliness, and of the extraordinary methods of proceeding before those courts called spiritual courts. These are the courts which are chiefly made use of to oppress the Quakers; these are the courts they principally desire to to be guarded against. These courts, it is true, are very antient, but yet I must look upon them as a sort of relique of Popery; and it must be acknowledged they are all founded upon the canon law, which is a law I must call blasphemous, ridiculous, and obscene. It must be acknowledged to be blasphemous, because the canons of the church or rather of the pope, are thereby declared to be of equal authority with the epistles of the apostles. It is ridiculous in many instances, particularly in this, that it requires three hundred witnesses to condemn a pope for any crime, and I think, above seventy to condemn a cardinal; thus it allows that a pope or a cardinal may be guilty of crimes, and, I believe, they have always had their full share of wickedness; but this law makes it impossible to punish any of them for the most flagitious crime a man can be guilty of. As for its obscenity, I do not think it decent to give in this House my reasons for calling it so; but it is well known it is so. I make no doubt but the judges of his Majesty's courts in Westminster-hall, think it their business to prevent oppression and vexation as much as they can, as well as to punish them wherever either can be discovered; and while those courts are filled with such judges as they are at present, I make no doubt of their doing their duty; but I cannot say so much of the judges of our ecclesiastical courts: and even in the King's courts, it is sometimes impossible to punish apparent vexation and oppression, especially in the case of tythes; for though an action or suit should be brought in either of those courts, for tythes which might evidently have been recovered by a complaint to the justices of peace, such a suit will be allowed, I believe, to be oppressive and vexatious, yet it would be impossible for the judges to prevent or punish the vexation.

It is, my Lords, a general rule already established by all our laws, that no man ought to be sued in a superior and expensive court for a small sum: there are proper courts established for that purpose, and there the plaintiff ought to take his remedy. Therefore, according to the known spirit of our law, we can do no injury to any man entitled to tythes, by obliging him to apply to an inferior court, in all cases of tythes where no matter of right comes in question: because, where no such matter comes in question the thing in dispute cannot be of any great value. This cannot encourage Quakers to be more contumacious and litigious than before, because they can never in good conscience pay without a suit; and I hope it will be made no objection against the Bill, that they will not hereafter be so often forced to make a sacrifice of their conscience, as they have been heretofore. Then with respect to their solicitation, in order to prevail with the justices to give a sentence or decree for less than is really due, it is certain no wise man among them will solicit

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any such thing, nor will any justice who is their friend decree so; because the incumbent or proprietor of the tythe may in that case apply to the superior courts with safety, where he will not only recover the full value of the tythe, but will load the Quaker with all the costs: this will be a sufficient bar to such solicitation or unjust decree, where the Quaker appears and opposes it; and if your lordships think there is danger in the justices and the Quaker's combining together, to fix the incumbent by the Quaker's not appearing, you may give the incumbent the same liberty in this last case as he has in the first: which amendment may likewise be easily made in the committee.

With respect to the objection, my Lords, that if the Quaker withdraws his tythes, and afterwards refuses to appear to be examined before the justices, it will be impossible for the incumbent to find any witnesses for proving the value of the tythes so withdrawn, the objection is founded upon a supposition, which is not, in my opinion, possible to be supposed. It is impossible to suppose, that an incumbent cannot find, in his whole parish, cottagers, servants, or other persons who do not pay tythes, and yet can make a very good judgment of what might have been the produce of such a spot of ground, such an apple-tree, such a number of cows, such a number of sheep, or any thing else that can be supposed to pay tythe, and their judgments given upon oath will certainly, in such a case of contumacy, be a good rule for the justices determination; especially considering, that in case of contumacy, they may and ought to take a latitude which they would not otherwise be entitled to: nor can the Quaker be surprised with a distress upon his goods, before he hears any thing of the complaint, without supposing a double perjury; first in the service of the summons for his appearing before the justices, and next in the service of the notice of the decree or adjudication: such a supposition is not very charitable, with respect to the incumbent, who must be concerned, and against such perjuries no man can in any case be safe, no law can fully provide; there can be no safe-guard but the severe punishment of the perjury as soon as detected.

Now, my Lords, with respect to the faults or inaccuracies found in the several paragraphs of the Bill. I shall readily grant, that it stands in need of some amendments; perhaps the whole scheme may be wrong, though I cannot be of that opinion: but we ought to distinguish between the subject and the scheme of the Bill; the former is certainly good, the latter may be altered in the committee, without making a new Bill. If the justices of peace are not properly or sufficiently impowered, to hear and determine all matters relating to tythes, the words for that purpose may be altered, and more proper words inserted, and farther powers granted in the committee. If the method prescribed for compelling the appearance of witnesses be not thought effectual against those upon whom no distress can be levied, a few words may be added for imprisoning, or otherwise punishing their persons; and as for the tything-man to be sent by the incumbent, a few words may in that case likewise be added, for obliging him to set out the tythe in a certain short time, and a proper remedy may be provided for preventing his doing injustice, or imposing upon either party concerned, and for obliging the Quaker to give him a certain reward for his service; but even as the Bill stands at present, there is nothing in it for taking from the farmer the care of his own crop, there is no penalty upon his removing the crop without setting out the tythe, but what he was subject to before this Bill was thought of; therefore I am sure no Quaker can object against it: if the crop be taken away, and the incumbent does not recover the full value of his tythe by a complaint to the justices, he may then file his Bill in the Exchequer for a discovery; but if he can recover the full value before the justices, I think it is most reasonable to put some bar upon his going in such an expensive way to work. Turnpikes are always set up for amending a bad road; in this sense the necessity of applying first to the justices of the peace, may be called a new turnpike; the road to justice is at present difficult, cumbersome, and expensive, and this new turnpike is set up to make it more passable, and less expensive. I hope it will be agreed to, because I am convinced it will answer the end.

In short, my Lords, it is hardly possible to form a Bill but what may, in passing, stand in need of some amendments: it is absolutely impossible to contrive a new law or regulation, against which some inconveniences may not be suggested. Against this Bill there are, I think, very few that can be reasonably suggested; and the amendments are all such as may, in my opinion, with ease and regularity be made

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in the committee, therefore I hope your lordships will send it thither. The subject of the Bill is good, the intention is Christian; some such Bill is certainly necessary; the very title ought to induce your lordships, at least, to try what you can do in the Committee: if the reverend bench refuse their assistance, if the two noble Lords, we have now the happiness to have among us, refuse being concerned, it will be a great misfortune; but still we shall have the assistance of the learned judges, and with such an assistance I hope we shall be able to make it a perfect and an useful Bill. The passing of such Bill will become the dignity of this House, will become your lordships as the lawgivers of a brave and a free people, will become you as the protectors of liberty, and as encouragers of that meekness, charity and forbearance, which are so agreeable to the principles, and so strongly inculcated by the doctrines of Christianity.

Now, my Lords, is a proper time for endeavouring to pass such a Bill: there has been a time when all our bishops, and perhaps all the clergy of England would have joined in their clamours, against any attempt for preventing persecution, or for demolishing any dangerous power they might be possessed of; and would even have gone the length to threaten the members of our legislature, for being concerned in or countenancing any such attempt: but we are now happy in a different situation: for whatever some young people may think, our bishops are now more Christian, and much more moderate than they were in former times; I have seen former times, and therefore I say so; I have seen a noble lord of this House taken down in very harsh terms by a prelate, for calling Quakers Christians. I hope I may now call them so, without incurring any such reprimand: they are certainly so, and in the course of this Bill they have shewn themselves so; for though they were not very handsomely used by the counsel against them at our bar, they returned no such usage; 'Though they were reviled, 'they reviled not again;' and yet we know, the counsel for them were very capable to have returned the same treatment; from whence we may judge they were instructed to the contrary. Therefore, my Lords, as the Quakers are our fellow Christians, and as they are a great body of innocent, industrious and useful subjects, though the Bill were so defective as to take away all hopes of making any thing of it in the committee, yet out of decency, and for the sake of that regard which we are bound to shew to the Quakers, we ought to refer it to the consideration of a Committee.

The above-mentioned motion for committing the Bill was made by the lord viscount Harrington, and supported by the lord Hervey, the lord Carteret, the duke of Argyle, and the earl of Ilay. On the other side, it was opposed by the bishop of Salisbury, the Lord Chancellor, the lord Hardwicke, and the lord Lovel. But after this debate upon the merits of the Bill, the following lords spoke as follows:

The Earl of *Scarborough*. My Lords, whether any such Bill as the Bill now before us be necessary or not, seems now not to be the question in dispute; because it is acknowledged of all sides, that the Bill now under our consideration is a very imperfect and incorrect Bill, therefore, as it is so late, I shall wave giving my opinion upon that question. The only question now before us is, whether we ought to commit the Bill, notwithstanding its being so incorrect and imperfect; and the two chief reasons given for committing it seem to be, either in hopes that we may be able to amend it in the Committee, so as to make it a Bill fit for being passed into a law; or that we should commit it, in order to shew our complaisance and our tenderness for the Quakers.

As to the first of these reasons, my Lords, I must say, I quite despair of ever being able to amend it in the Committee, so as to make it a bill fit for being passed into a law, since the two noble and learned Lords have both declared, that they cannot undertake it: and as to our shewing our regard and tenderness for the Quakers, though I am desirous to shew them as much complaisance, nay, as much favour as any Lord in this House can desire to shew them, yet in decency to our own proceedings, I cannot agree to throw away a whole day upon any affair, when I foresee that it can be to no purpose, especially considering its being so late in the session when all the time we have will be necessarily employed about affairs which may, and some of them must, be brought to maturity, for which reason I must be against committing the Bill.

Lord *Bathurst*. My Lords, I am for the commitment of this Bill, for a reason different from either of the two, mentioned by the noble Lord who spoke last, for as to the amendment of the Bill, I agree with

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him, that it is not to be expected: There are so many faults in it, that I think it impossible to amend it in the committee, so as to make it a bill fit for being passed into a law.—As I have, my Lords, taken great pains to consider every clause of this Bill, besides admitting every small fault and every inaccuracy taken notice of by other lords in the debates, I will venture to assert to your lordships, that there is scarcely one clause in the bill which can stand unamended: It is now so late, being, I think, near ten o'clock, that I do not care to trouble your lordships with many particulars; but as the reverend prelate, who spoke early in the debate, shewed your lordships very justly, how one clause in the bill might affect the Quakers, and render their condition worse than it is at present, I can shew your lordships, that by the same clause in the Bill as it now stands, a clergyman must, in many cases, come off a loser, let him take what way he will to recover that tythe which is justly due to him: In all cases where the Quaker, after notice given him, removes his crop, or any other produce liable to pay tythes, without setting out the tythes, or waiting till the tything-man comes to set it out for him, the incumbent has only two methods prescribed for recovering his tythe: One is by a complaint to the two next justices; in which method it may often be impossible for him to recover the value of the tythe so withdrawn, for want of proof, and therefore, in all such cases, he must necessarily be reduced to the other method, which is, by action or suit in some of the courts in Westminster-hall for double the value; but then, in this last method, he is to recover no costs; and therefore, even though he should be able to find witnesses to prove near the full value of the tythe so withdrawn, and should recover double the value of the tythe so proved to have been withdrawn, yet he may, and I believe will generally come off a loser; for suppose the value of the tythe so proved to have been withdrawn, should not amount to above two shillings, the incumbent, in such case, will recover only four shillings, and in suing for these four shillings the necessary costs of suit on the plaintiff's side only, will generally amount to above ten pounds; so that, notwithstanding the incumbent's being intitled, by this clause, to double the value of the tythe withdrawn, yet in all cases, where he cannot prove that the value of the tythe, so withdrawn, amounts to above ten pounds, he must necessarily come off a loser; from whence I must conclude, that if this clause, as it now stands, should pass into a law, it would be impossible for any incumbent in England to recover any small tythe from a Quaker, unless in cases where he could prove by witnesses the full value of the tythe before the two next justices of peace.

This, my Lords, must necessarily be a great inconvenience, and I could point out several others, but, I shall not now enter farther into this matter: I will only tell your lordships my reason for being for the commitment. I think it will be a day well spent, even though it should make the session continue a day longer than is now designed, to consider whether any thing can be done in relation to the ecclesiastical courts; for though the learned doctor at the bar said, that none but the Quakers ever complained of the proceedings of those courts, I am very sure, I have heard them complained of by all mankind, clergy as well as laity, ever since I came into the world, and that a reformation of them is much desired by every man in the kingdom, who has not an interest in their present methods of proceeding. For this purpose, my Lords, and with a view to prepare something against another session, in order to put the proceedings of our ecclesiastical courts upon a better foot; and at the same time to consider, whether any thing can be done to satisfy the Quakers, without doing an injury to the clergy, I am for our giving up one day, notwithstanding its being so late in the session, and am therefore for committing the Bill.

The Lord *Hervey* stood up again, and spoke to the following effect:

My Lords; Though many of your lordships seem to be of opinion, that it would be of dangerous consequence to take from the clergy, and other persons entitled to tythes, the privilege of suing Quakers in the king's courts; yet as most, who seem to be of that opinion, have declared a regard and a tenderness for the Quakers, I shall beg leave to take a little farther notice of that which seems to be the greatest grievance upon the Quakers, I mean their being sued in the spiritual courts, because I hope none of your lordships will be against giving them relief in that respect; for it is certainly a great grievance upon them; and the taking from ecclesiastics a power or option of suing in ecclesiastical courts, can be no injury to any ecclesiastic in the kingdom, un-

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less it should be called an injury to take from a man the power he has of doing an injury to another.—In order, my Lords, to shew that the suing of Quakers in ecclesiastical courts, must be a grievance upon them, I must beg leave to state the case, which I shall do in as brief a manner as I can. Suppose the incumbent has a demand upon some Quaker in his parish for tythes, Easter-offerings, or some such customary payment, to the amount of two or three shillings, and that the Quaker neither disputes the value, nor the parson's right to it: The incumbent knows, that if he should demand it as a debt due to him, the Quaker would pay it without any contest; or if he should sue for it before the justices of peace, or even in the king's courts, the Quaker would neither oppose judgment's being given against him, nor would he any way obstruct the executing of that judgment upon his goods; by either of which methods, the incumbent would recover his right, without putting himself to any great trouble, or the Quaker to any very extraordinary expence: But the incumbent having a mind to persecute the Quaker, or having perhaps a private grudge against him, or intending to raise a contribution upon him, sends and makes a formal demand of so much money for tythe or Easter-offerings, because he knows the Quaker cannot in conscience comply with such a demand; and upon the Quaker's first refusal, he immediately libels him in the spiritual court, because he knows the Quaker cannot in conscience appear in any such court, or obey any of their orders or decrees: Upon the Quaker's not appearing, he is of course excommunicated, so that, in order to prevent or relieve himself from the consequences of excommunication, he is obliged to apply for a prohibition; and in order to obtain a prohibition, he must necessarily contest the incumbent's right to this tythe, Easter-offering, or other customary payment, though he be certain of being cast upon the trial, and consequently, of being loaded with all the expence, both in the spiritual and temporal courts, which must amount to a very large sum, even in the cheapest and most submissive way the Quaker can chuse to proceed; for the incumbent being sure of recovering all his costs at last, will certainly oppose the prohibition as much as he can, and will put himself to all the charge he can possibly find any pretence for. Thus your lordships must see, that a Quaker may be put to a most extraordinary charge whenever the incumbent pleases, and that without any vexation or litigiousness in him, but merely for the sake of preserving the testimony of a good conscience; and as this hazard or inconvenience recurs every year, it must be granted, that the liberty of suing them in spiritual courts is a very great grievance upon them.—But, my Lords, let us see if the taking of this liberty or option, from all persons entitled to tythes, could be any injury to such persons; and considering that no Quaker can in conscience appear in any spiritual court, we must conclude, that no man can recover his tythe from a Quaker, by any suit he can bring in the spiritual court: He may, indeed, get the Quaker arrested and detained in jail, till he gives security to appear in that court, that is to say, he may make him a prisoner for life; for no Quaker can ever give any such security; but by no such suit can he ever recover what is due to him; so that by taking away this liberty or option of suing Quakers in the spiritual court, we take from no man a method by which he can recover his property, but only a method, by which he may vex and injure his neighbour, in order to compel him to act contrary to his conscience: For this reason, I hope none of your lordships will oppose the taking of this liberty or option, from all persons entitled to tythes; and as this may be done in the committee, by throwing out all the enacting clauses now in the Bill, and inserting a short clause for this purpose, I hope you will therefore, upon this account, if there were none other, agree to the committing of the Bill.

This proposition was supported and enforced by the duke of Argyle, who said, That the noble lord who spoke last had made a proposition, which must, in his opinion, be approved by every one of their lordships, who was not against the subject or intention, as well as the scheme of the Bill.

This was answered by Lord *Hardwicke*, who said, that he would have been very glad to have joined in any thing, for giving the Quakers as much ease, with respect to their tythes, as was consistent with that property which others had in them, but he despaired of their being able to do any thing that session; and the proposition the noble lord had made, would not remedy all the Quakers complained of, nor could it, in his opinion, be executed in the committee; for it would be necessary for them, before they could draw up or agree

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to any such clause, to consider the methods of proceeding in most of the courts in Westminster-hall, and to alter some of them, which they could not pretend to do without a great deal of deliberation. And moreover, that, in order to execute what was proposed, it would be necessary for them to drop not only the whole body of the Bill, but a great part of the preamble; and even the title would require to be entirely altered; in which case it could not, in any sort of propriety, be called the same Bill that had passed in the other House, and had been twice read in that: Therefore, he continued in his former opinion, and consequently, was against committing the Bill.

The question being then put upon the first motion, for committing the Bill, it was upon a division, carried in the negative, by 54 not contents, to 35 contents, as follows: viz.

Not Contents.

DUKES.
Grafton
Beaufort
Leeds
Bedford
Athol
Ancaster
Newcastle
Manchester

EARLS.
Northampton
Berkshire
Thanet
Clarendon
Shaftsbury
Litchfield
Abingdon
Scarborough
Warrington
Albemarle
Godolphin
Morton
Selkirk
Dunmore
Orkney
Oxford
Strafford
Harborough
Pomfret

Wilmington
Malton

BARONS.
Talbot, C.
North
Butler of Weston
Gower
Montjoy
Masham
Foley
Romney
Lovel
Hardwicke

BISHOPS.
London
Durham
Oxford
Lincoln
Rochester
Hereford
Litchfield and Coventry
Peterborough
Chichester
Sarum
Landaff
St. David's
Norwich
Gloucester
Bristol.

Contents.

DUKES.
Richmond
Marlborough
Rutland
Montagu
Kent
Portland
Bridgewater

Argyle

EARLS.
Pembroke
Suffolk
Warwick
Westmoreland
Winchelsea
Chesterfield
Coventry
Crawford
Loudoun
Ilay
Tankerville
Fitzwalter
Effingham

VISCOUNTS.
Cobham
Falmouth
Torrington
Hinton

BARONS.
Abergavenny
Delawar
Lovelace
Carteret
Bathurst
Cadogan
King
Hobart
Monson
Hervey.

*Motion for an Address to the King on the Marriage of the Prince of Wales.**] April 29. A Motion was made in the Commons, by Mr. Pulteney, "That an humble Address be presented to his Majesty, to

* "The attention of the public was greatly diverted at this time, by an event of the utmost importance to the happiness of Great Britain, the marriage of the prince of Wales. Their majesties, after the most mature deliberation, could find no match in Europe, either for antiquity of blood, eminency of family, or merit of person, equal to the princess of Saxe-gotha, sister to the reigning duke, and a protestant. The preliminaries being settled, lord Delaware was sent in the beginning of March to that court to demand the princess in marriage for his royal highness the prince of Wales. And on the 25th of April following, he brought her to Greenwich, where she was waited upon by his royal highness, and on the 27th of the same month, the marriage ceremony was celebrated. This expedition was owing to the deficiency of the laws of precedency in England, which had not settled the rank of the princess, before she became the princess of Wales. The nation in general was highly pleased with this marriage. The lord-mayor and aldermen of London took the first opportunity of making their compliments upon this occasion, and were received by his royal highness in a manner equally cordial and polite.

"The two houses of parliament distinguished themselves upon the same occasion; and the house of commons, on the 29th of April, resolved, *nem. con.*, 'That an humble Address be 'presented to his Majesty, to congratulate his 'Majesty upon the nuptials of his royal high-'ness the prince of Wales; and to express the 'satisfaction and great joy of his faithful Com-'mons on this happy occasion, which they 'look upon with unspeakable comfort, as the 'means, under the Divine Providence, of giving 'an additional strength to the Protestant In-'terest, and of securing to all future ages, the 'laws and liberties of this nation, in the full 'manner we now happily and thankfully 'enjoy them, under the protection of his Ma-'jesty's just and mild government over his 'people.' The House came to the like resolution with regard to her majesty and their royal

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congratulate his Majesty upon the nuptials of his royal highness the prince of Wales; and to express the satisfaction, and great joy, of his faithful Commons, on this happy occasion, which they look upon with unspeakable comfort, as the means, under the Divine Providence, of giving an additional strength to the Protestant interest, and of securing to all future ages the laws and liberties of this nation in the full manner we now happily and thankfully enjoy them under the protection of his Majesty's just and mild government over his people." Upon this occasion,

Mr. *William Pitt** spoke as follows:

Mr. Speaker: I am unable to offer any thing that has not been said by the honourable persons, who made you the motion, in a manner much more suitable to the dignity and importance of this great occasion: But, Sir, as I am really affected with the prospect of the blessings, to be derived to my country from this so desirable and so long desired measure, the marriage of his royal highness the prince of Wales; I cannot forbear troubling you with a few words to express my joy, and to mingle my humble offering, inconsiderable as it is, with this great oblation of thanks and congratulation to his Majesty.

How great soever the joy of the public may be, and very great it certainly is, in receiving this benefit from his Majesty, it must be inferior to that high satisfaction which he himself enjoys in bestowing it: and if I may be allowed to suppose, that to a royal mind any thing can transcend the pleasure of gratifying the impatient wishes of a loyal people, it can only be the paternal delight of tenderly indulging the most dutiful application, and most humble request of a submissive obedient son. I mention, Sir, his royal highness's having asked a marriage, because something is in justice due to him, for having asked what we are so strongly bound, by all the ties of duty and gratitude, to return his Majesty our most humble acknowledgements for having granted.

The marriage of a prince of Wales, Sir, has at all times been a matter of the highest importance to the public welfare, to present and to future generations; but at no time has it been a more important, a more dear consideration, than at this day; if a character at once amiable, and respectable, can embellish and even dignify the elevated rank of a prince of Wales. Were it not a sort of presumption to follow so great a person through his hours of retirement, to view him in the milder light of domestic life, we should find him busyed in the noble exercise of humanity, benevolence, and of every social virtue: But, Sir, how pleasing, how captivating soever such a scene may be, yet, as it is a private

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highnesses the prince and princess of Wales. The like proceedings were held in the House of Peers.

"While those congratulations were under deliberation in the House of Commons, two mirrors of eloquence displayed themselves on that occasion, Mr. afterwards lord, Lyttelton, and Mr. William Pitt, afterwards one of his majesty's principal secretaries of state. The former, in some parts of his speech, shewed how well he had studied Cicero, particularly in his celebrated compliment to Cæsar, upon his pardoning Marcellus; but notwithstanding the whole of it was one continued, though just, panegyric, upon their royal highnesses, it contained several severe glances against the minister. The speech of the latter is unmixt with any strain, but that of declamation; and we have few models of antiquity, more perfect in that kind, it being more ornamented than the declamations of Demosthenes, and less diffused than those of Cicero." Tindal.

* "It is remarkable, that the Address of congratulation to the king, on the nuptials of the prince of Wales with the princess of Saxe Gotha, was moved by Pulteney, and that the principal speakers in the prince's praise, were those who uniformly opposed the measures of government. It was on this memorable occasion, that William Pitt made his maiden speech, in a strain of declamation, which a contemporary historian describes as not inferior to the great models of antiquity, 'it being 'more ornamented than Demosthenes, and 'less diffuse than Cicero.' Both he and his friend Lyttleton, who also first spoke on the same occasion, described the prince as a most dutiful son; descanted on his filial obedience and respectful submission to the will of his royal parents, and expatiated, with ostentatious energy, on his generous love of liberty, and just reverence for the British constitution. In affecting to praise the king, for having gratified the impatient wishes of a loyal people, they gave the prior merit to the prince, for having requested a marriage so necessary to the public good, and ascribed only a secondary merit to the king for granting this request.

"The manner in which this debate was conducted, the warm panegyric bestowed on the prince, the cold praises given to the king, and the acrimonious censures of the minister, gave great offence, and tended still farther to widen the breach." Coxe's Walpole.

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one, I fear I should offend the delicacy of that virtue I so ardently desire to do justice to, should I offer it to the consideration of this House: But, Sir, filial duty to his royal parents, a generous love for liberty, and a just reverence for the British constitution; these are public virtues, and cannot escape the applause and benedictions of the public: they are virtues, Sir, which render his royal highness not only a noble ornament, but a firm support, if any could possibly be necessary, of that throne so greatly filled by his royal father.

I have been led to say thus much of his royal highness's character, because it is the consideration of that character which, above all things, enforces the justice and goodness, of his Majesty in the measure now before you; a measure which the nation thought could never come too soon, because it brings with it the promise of an additional strength to the Protestant succession in his Majesty's illustrious and royal house: the spirit of liberty dictated that succession, the same spirit now rejoices in the prospect of its being perpetuated to latest posterity: it rejoices in the wise and happy choice, which his Majesty has been pleased to make of a princess so amiably distinguished in herself, so illustrious in the merit of her family; the glory of whose great ancestor it is, to have sacrificed himself to the noblest cause for which a prince can draw his sword, the cause of liberty and the Protestant religion. Such, Sir, is the marriage, for which our most humble acknowledgments are due to his Majesty, and may it afford the comfort of seeing the royal family (numerous, as I thank God it is) still growing and rising up in a third generation; a family, Sir, which I most sincerely wish may be as immortal as those liberties and that constitution which it come to maintain; and therefore I am heartily for the motion.

Mr. *Lyttleton* stood up and spoke as follows:

Mr. Speaker; Though I have nothing to add to what has been said so well by other gentlemen, on this happy and agreeable occasion; yet, as I think, that nobody should be silent on a point to which nobody can be indifferent, I beg to be indulged in a few words, to declare with how much pleasure I concur in the motion that has been made you: and indeed he must be void of all affection to the safety, peace, and liberty of his country, who does not rejoice in the increase of the royal family, on the support and continuance of which among us all those blessings immediately depend. But, Sir, there is yet another reason for our joy on this occasion, a reason, which every gentleman that hears me will allow to be a strong one; I mean, a particular regard to the happiness of the prince, which can no more be separated from our duty to his Majesty, than the interests, or inclinations of so good a father from those of so dutiful a son.

There may be something in the dignity of persons raised very high above the rank of other men, which might set them at, perhaps, too great a distance from the love of their inferiors; and make us often participate no farther in their pleasures, or their pains, than duty or interest requires: but he, who in a station thus exalted above the wants and miseries of mankind, can feel them with the tenderness of an equal, while he relieves them with the beneficence of a superior; whose heart is as open to the sentiments of humanity and benevolence, as his mind to the impressions of truth and justice; such a prince, in all the incidents of life, will find every body sympathising with himself; his grief will be a national affliction, his joy the joy of a whole people.

Sir, it is right and decent, and agreeable to our inclinations, to ascribe every thing that is done for the public good to the paternal cares and goodness of the King: but in this instance it is peculiarly our duty; for this is a merit which must belong to him alone: in this, none of his servants can have a share: the most assuming minister could lay no claim to it; it is his own act; to him we are obliged for it, and to him our acknowledgments are due. He has heard the wishes of his people, who foresaw the dangers they were exposed to, if his royal highness, by marrying too late in life, should, according to the ordinary course of nature, leave an heir to the crown in a minority; a minority, which is always a state of weakness, distraction, and oppression; a minority, the most pernicious of all governments, because it is the government of ministers. It was therefore the general desire of every good Englishman, that a marriage so necessary to the public should no longer be delayed; and his Majesty has graciously been pleased to comply with that desire; he has removed those uneasy apprehensions; and by strengthening, and increasing the royal family, has added a new security to our happiness, and, we may hope, entailed it on our posterity.

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As our thanks are due to him for the marriage, they are no less so for his choice of a daughter-in-law; a princess in whom piety and virtue are hereditary qualities: the eminent merit of whose great ancestor in the defence of the Protestant religion, which was then in Germany, as it now is in Great Britain, united to the cause of public liberty, has been so amply set forth by other gentlemen, particularly the honourable person who made this motion, whose great abilities are most equal to this, or any subject, that nothing is left for me to add, but an ardent wish that the same virtues may revive again with equal lustre, and happier fortune, in her posterity.

For all these reasons, for many more, more than the zeal of my heart can now suggest to me, more than the eloquence of others can express, we ought most joyfully to congratulate his Majesty on an event, which must give him the greatest pleasure, because it does so to his people, for the satisfaction of neither can be perfect but when it is reciprocal. Let us therefore join our thanks to our felicitations, and let our unanimity in doing it, refute the calumnies of those, who dare to insinuate out of doors, that gentlemen who sometimes differ here from the measures of the court, differ at all from those whom they oppose, I mean the very best of them, in sincere attachment to the government, and affectionate regard for the royal family.

After which the motion was unanimously agreed to, and a Committee was appointed to draw up an Address accordingly.

Debate in the Commons on the Bill to prevent Smuggling.] May 3. Sir Charles Turner presented to the House a Bill, 'For indemnifying persons, who have been guilty of unlawfully importing goods and merchandize into this kingdom, upon the terms therein mentioned, and for inforcing the laws against such importation for the future;' and the same was then read the first time.

May 4. The said Bill was read a second time, and a motion being made for committing the same, it was opposed by several members, who urged, That it was very extraordinary to see such a Petition followed by such a Bill: The Petition was from many merchants and shop-keepers, complaining of too high a duty upon a certain sort of merchandize, and of the hardships they were subjected to by the laws lately made for collecting that duty: upon the foundation of that Petition, a Bill had been brought in, which no way diminished the duty, and instead of relieving the merchants from any of the hardships they were before exposed to, laid them under many new hardships, and such as they thought inconsistent with the liberties of the people; that this was a method of proceeding, by which the subject would be terrified from ever making an application to Parliament, for being relieved against those grievances they thought they had reason to complain of; for no man would ever apply to Parliament for relief, if he could have the least suspicion that his case might be rendered more intolerable by such application.

To this it was answered by sir Robert Walpole, sir George Oxenden, and sir William Yonge, That the frequent practice of smuggling was the grievance which the petitioners chiefly complained of; therefore any effectual method for preventing that grievance, was a proper consequence of such a petition: that the duties complained of, were engaged for the payment of old debts, or for the support of the government, could not therefore be lowered, without replacing them by establishing some new fund, which could not then be done: and that none of the penalties to be inflicted by that Bill, could be any hardship upon fair traders, but only upon smugglers, and the more difficulties they were exposed to, the better it would be for the fair trader.

Then some members objected to a clause in the Bill, by which it was enacted, 'That 'any ship, not exceeding the burthen of '100 tons, shall be forfeited, if she take 'in from another vessel at sea, within four 'leagues of the British coasts, any foreign 'goods, wares or merchandizes, without 'payment of the customs, unless in case 'of apparent necessity:' and to another clause by which it was enacted, 'That all 'goods found concealed in any ship or 'vessel, at any time after the master there- 'of shall have made his report at the custom-house, and which shall not be comprized or mentioned in the said report, 'shall be forfeited.' With regard to the first clause, it was said, That it would be a most terrible hardship upon the owners of a ship, to make them forfeit their ship, only because of the captain's, or perhaps some of the sailors, taking a pound of tea, or an anchor of brandy, rum, or arrack, from on board another ship they accidentally met with at sea: that in penal laws great care ought always to be taken

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not to subject any man to a penalty or forfeiture, except such as were really guilty: but by that clause the owners of a ship were to be subjected to a great forfeiture, though they neither were nor could be any way guilty of, or so much as privy to, the crime for which that forfeiture was inflicted: that the hardship upon them was the greater, because it would be impossible for them to guard against it; for every one knew, that, for the most part, the command of merchant ships was given to persons who had no fortunes of their own, and therefore could not make good to the owners the damage they might sustain by the forfeiture of their ship: that the owners of ships never looked for any thing more in a master, but the character of an honest careful man, and an expert sailor; but in this case, neither of these qualities could be a safeguard to the owners, because their ship might be forfeited and lost by the knavery, perhaps by the treachery of any common sailor on board, without any fault in the master: that the estates vested in shipping were already liable to so many penalties and forfeitures by our custom-house laws, and were subject to so many dangers from other accidents; and the employing of any estate in that way was in itself of so little advantage to the owner, that many gentlemen had already withdrawn their fortunes from that branch of trade: that if that clause should pass into a law, no man, who had a regard to his family, would employ or continue any part of his estate in that branch; which would certainly be a great disadvantage to our shipping, and a great discouragement to our seamen.

As to the other clause it was alledged, That a merchant might thereby forfeit a valuable parcel of goods, by the mere negligence or forgetfulness of the master of a ship, whom he had never known or entrusted; and that without its being possible for him, by the utmost care and diligence, to prevent such a forfeiture, because the goods might be forfeited before it was possible for him to hear of the arrival of the ship, or to know that he had such a parcel of goods on board such a ship; for the master always made his report immediately upon his arrival, and before he had time or opportunity to rummage his ship, or to send to any of the merchants to come and take care of their goods; and as masters are generally in a great hurry at their setting out, when small parcels of fine goods are usually sent on board, a master might very probably forget to mention some of them in his report, which by this clause would occasion a forfeiture, such goods being always lodged in places that would be called concealed; whereas the law then stood, if the master upon rummaging and searching his ship, which every master did before clearing, or if the merchant upon hearing of the ship's arrival, or receiving advice of his having such a parcel of goods on board, should come to look after his goods, though they had been forgot in the report, a post-entry might be made, by which all forfeitures and penalties would be prevented. That they thought this Bill would be a new hardship upon merchants, and a new discouragement to trade, which was before, by our late statutes relating to the customs, subjected to so great an expence, and so many difficulties, that it was impossible for our merchants to carry it on at so easy a rate as our neighbours, which was the true cause of our being under-sold by foreigners in all markets of Europe.

To this it was answered by the Advocates for the Bill; That all these hardships and dangers might easily be prevented by the care of masters of ships. That owners or merchants who intrusted their ships or goods to idle careless men, were certainly in some fault, and therefore deserved to suffer if there were no necessity for making them do so: But that in the cases then before them, it was absolutely necessary to lay some part of the penalty upon them, for the very reason that had been given against it: because the masters employed by them were often so poor, that it was impossible to recover any penalties from them. That with respect to the forfeiture of ships, as the clause was amended, and confined to ships not exceeding 100 tons, it could not much regard any branch of our foreign trade, it would chiefly regard our coasting vessels, and those Holland and French trading sloops, many of which, they were afraid, were already employed in smuggling. That they should be sorry if any person suffered through a mere oversight; but if they gave by law too great, or, indeed, any indulgence to oversights, fraudulent designs would always be cloaked under pretended oversights, and therefore it was necessary to make the law severe; though in the execution of that law, some indulgence might be shewn in any case which appeared clear to those who had the execution of the law, to be but an oversight. That there had many cases and

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duties upon goods imported, and the laws for collecting them might probably subject our merchants to some inconveniences, and to some expence; but there was no country in the world where their trade was free from customs and duties. That they believed the merchants of this kingdom were subjected to no greater inconvenience or expence on that account, than the merchants of our neighbouring countries; so that if foreigners undersold us in any market, some other reason was to be assigned for their so doing, and when that reason was assigned, if it was possible to remove it, they would join in any measure that could be proposed for that purpose.

This debate being over, the Bill was committed.

May 14. The Bill was read the third time, and a motion being made that the Bill do pass, the same was opposed by some members: but the question being put, it was resolved in the affirmative by 88 against 39, and Mr. Willes was ordered to carry it to the Lords and desire their concurrence.

Debate in the Lords on the Bill to prevent Smuggling.] May 15. The said Bill was read the first and second time in the House of Lords, without any considerable debate; but when it came before the committee several Amendments were offered by the lord Hardwicke.

The Arguments in support of the Amendments were in substance as follows:

My Lords; While we continue in the present method of raising those funds which are necessary for the support of our government, I am very sensible how much it concerns us to prevent that fraudulent and pernicious practice called smuggling, and therefore I shall always be ready to join in such measures as I think proper and necessary for that purpose; but at the same time, my Lords, do not let us forget the freedom of our constitution, and the liberties and privileges of the people; for slavery would be a price too dear, even for the most absolute security against smuggling. For this reason, when any method is proposed, or any bill brought in, for preventing the running of goods, or the detecting, apprehending, and punishing persons guilty of such practices, we ought to consider, not only whether it will be effectual for the benefit proposed, but whether it be consistent with our constitution, and the liberties of the people.

By all those who understand any thing of our constitution, it must be granted, that one of the greatest barriers for the liberties of the people, is, that fundamental maxim of the laws of this kingdom, by which every man is presumed innocent, till the contrary appears by some overt act of his own; and that act must be such a one as is itself unlawful, and of such a nature that no innocent construction can be put upon it. We have, in our laws, no such thing as a crime by implication; nor do we pretend to judge of, or to punish a man for mere thinking. From hence it is that a wicked or malicious intention can never with us be proved by witnesses. Facts only are admitted to be proved, and the judge and jury are from those facts to determine, with what intention they were committed; but no judge or jury can ever by our laws suppose, much less determine, that an action in itself innocent and indifferent, was attended with a criminal and malicious intention. Such an inference, my Lords, was never made in a free country, nor under any government but that of a tyrannical as well as arbitrary administration.

Another security for our liberties is, that no subject can be imprisoned unless some felonious and high crime be sworn against him. If the crime be not in itself atrocious, or if there be only a suspicion sworn against him, the greatest hardship he can be subjected to, is, to be imprisoned till he gives bail for his appearance; and if any of our inferior judges refuse to admit him to bail, or refuse to accept a proper and sufficient bail, the subject so aggrieved may immediately apply by Habeas Corpus, to the King's courts in Westminster-hall, the judges of which are now, by the late happy Revolution, put above being influenced by any authority, but that of justice and the established laws of their country, or awed by any thing but that of their own character and reputation, or an impeachment in parliament, which would certainly be the consequence, if they refused justice to any the least of his Majesty's subjects. This, my Lords, with respect to private men, is the very foundation-stone of all our liberties, and if we remove it, if we but knock off a corner, we may very probably overturn the whole fabric.

A third guard for our liberties, and the only other I shall at present take notice of, is, that liberty which every subject has, not only to provide himself with arms proper for his defence, but to accustom him-

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self to the use of those arms, and to travel with them whenever he has a mind. This, my Lords, is not only a defence for our liberties, but it is the chief and the only defence upon which we ought to depend, for the preservation of our country against foreign invasions. In arbitrary governments, we know it is the custom and the maxim, to disarm the people, and to prevent any man's furnishing himself with arms, or accustoming himself to the use of them, but such as are retained and employed by the government; therefore such governments are always obliged to keep a large body of mercenary troops in their pay, who may perhaps sometimes be able to defend the country against invasions, but they are generally able, and always ready and willing to defend their pay-masters against the justest resentment of the people: so that in such countries it may be justly said the people are preserved from being plundered by foreign enemies, for no other reason but that their domestic plunderers may find a more rich and plentiful booty; and in all such countries, we find their laws are generally partial in favour of the tax-gatherers, and other instruments of power, and terribly severe upon those who shall upon any occasion dare to oppose them, in what they may be pleased to call the execution of their office.

Having premised these observations upon our constitution, and upon the nature of a free government, give me leave, my Lords, to apply them to that clause in this Bill, which subjects every man in the kingdom to the danger, nay, I may say certainty, of being committed to prison by a single justice of peace without bail or mainprize, of being convicted and transported as a smuggler, and if he returns before the time limited, hanged as a felon, without benefit of clergy; and all this without his having been guilty of any one overt act, except that of travelling properly armed for his defence, and having the misfortune to meet with two of his friends upon the road, armed in the same manner; in case any two rogues of informers, or perhaps real smugglers, who are to get 150*l.* perhaps 250*l.* by their perjury, shall swear that this honest man and his two friends were assembled and armed, in order to be aiding and assisting in the clandestine running, landing, rescuing or carrying away prohibited or uncustomed goods. This regulation, when stript of that multiplicity of words which render obscure the meaning and intent of every clause of an act of parliament, really seems to me to be the most terrible and the most entrapping regulation that was ever proposed in any country. If it passes into a law, I am sure it will not be quite safe for any three gentlemen in the kingdom to be seen in company together, if they have but walking swords by their sides.

It is evident, at first view, that this regulation is repugnant to all the maxims of free government. The wearing of arms is an act not only innocent, but highly commendable, therefore no presumption of any crime can from thence be inferred; and for this reason, the admitting of witnesses to prove that any three men were so armed, in order to assist in smuggling, is admitting witnesses to prove an intention, without any one overt act from whence that intention can possibly be inferred, which is inconsistent with the freedom of our constitution, and with the whole tenor of the laws of this kingdom. We may as well admit witnesses to prove, that a man got up in the morning and put on his cloaths, in order to go and assist in the running of goods; which I am sure would be ridiculous as well as pernicious, either in this or any other country. But this is not all the hardship in the present case: witnesses are not only to be admitted to prove a wicked intention, without an overt act, but they are to be greatly rewarded for giving such a testimony; which is a most dangerous practice, and a practice we have lately got too much into; for, in my opinion, no man ought to be admitted as a witness against any criminal, if he be to have any share of the reward upon his conviction; however, in no case is it so dangerous as it will be in this; because when false witnesses come to swear a fact upon a man, which he was innocent of, he may prove himself to have been at another place at the time, or he may fall upon many other ways to make his innocence appear, and to convict the witnesses of perjury, which danger every false witness must be in, and this is in all other cases a great guard to the innocent; but in the present case, I should be glad to know how it will be possible for a man to prove he had no such intention, as is sworn against him, or to convict a false witness of perjury? His having occasion to travel from the place of one another, and his being upon the road at the time, will be no proof of his innocence, or the witness's perjury, because every smuggler may have, or contrive such occa-

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sions; and as smugglers will in this case generally be the informers, they may chuse a time when concurring circumstances fortify their testimony: they may chuse a time when a ship is actually hovering at sea; or they may lodge a parcel of run goods near the place, where those against whom they have a mind to swear, are assembled, and after procuring those goods to be seized, they may then go and swear that such men were assembled at such a place, and armed, in order to assist them in the carrying off or rescuing those run goods.

With respect, my Lords, to the security of the subject against unjust imprisonments, and the demanding of extravagant bail; and also with respect to the liberty of applying to the King's courts; these valuable privileges are all to be taken away by this new regulation: a man is to be imprisoned without so much as a pretence or suspicion of his having being guilty of any crime; only because a sorry fellow perhaps has gone and swore before a country justice out of malice, or for a reward, that he intended to assist in the running of goods; and though this crime, even when actually committed, be in its own nature bailable, and though by our constitution, every man has a right to insist that in such cases no extravagant bail shall be exacted from him, yet now he is to be committed without bail or mainprize, there to remain till he can force the justice and his informer to bring him to a trial, which I do not see how he can do; for by this clause, the Habeas Corpus act seems in all such case sto be repealed. Again, if the justice should commit iniquity, either in not admitting of a proper and full vindication, or in delaying to bring the person accused to a trial, where shall such person apply for relief? For by this clause, the liberty of applying to the King's courts is in such cases taken entirely away from all the King's subjects: the King's courts may perhaps at last compel the prosecutor to bring him to a trial; but they cannot admit of the most ample and clear vindication, nor can they in the mean time admit the person accused to bail, let him be of what character and circumstances he will: yet this power, which by this clause is taken from the King's courts, is given to the justices of the peace, who are removable at the pleasure of a minister, and may most of them be made the drudging tools of an administration; therefore I must think it very extraordinary and inconsistent with the principles of the Revolution, to give such powers to such judges, or to give them any supreme and uncontroulable power whatsoever; especially in cases where the liberty of a subject is in immediate danger, and even his life brought into a consequential danger.

From what I have said, my Lords, it appears, that if this clause passes into a law, the liberty and the life of every subject in Britain will be exposed to very great perils if he ever travels with arms for his defence, or appears abroad with any offensive weapon in his custody; therefore we may suppose that in such circumstances no man will ever travel with arms, and since no man can make use of any arms, it is not to be supposed that any man will be at the expence of providing himself with such utensils; for which reason I must look upon this Bill, as a Bill for disarming the whole kingdom; and surely none of your lordships will think, that the passing of any such Bill is consistent with the preservation of our happy constitution, or the safety of our native country. I hope no man thinks that smuggling, or the resisting of custom-house officers, is so heinous or dangerous a crime as high-treason. Now I would ask what any of your lordships would think of a new law against treason conceived in the very terms of this clause? Suppose the preamble should recite, 'That traiterous 'and rebellious persons frequently appear 'in great gangs, carrying fire-arms, and 'other offensive weapons, in order to be 'aiding and assisting in some treasonable 'practices, to the great danger of his Ma'jesty's person and government, and should 'therefore enact, that upon information 'to be given upon oath before any one 'justice of peace, that any persons, to the 'number of three, or more, were so as'sembled and armed, in order to assist in 'such practices, the justice might commit 'them, without bail or mainprize; and 'that upon due proof of their being so as'sembled and armed, in order to assist in 'such practices, and upon conviction, they 'should suffer as traitors; and farther, 'that the informers should, for every trai'tor so convicted, receive a reward of 50*l.*' I am very certain, that if ever I should see such a law passed, I should look upon our constitution to be at an end; yet we may have an administration that would be fond of having such a law passed, perhaps in order to guard against those treasonable practices, which their own conduct had made frequent; and in such a case, would not this very law be a good precedent for

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them? Would not they have reason to say to the Parliament, What! will you refuse to grant that security against treasonable practices, which your ancestors have granted against the practices of smuggling?

Having thus, my Lords, shewn the dangers that are most justly to be apprehended from the Clause as it stands at present, I shall next enquire a little into the nature of the evil intended to be remedied, in order to see, whether a less dangerous regulation would not be sufficient to remedy that evil. My Lords, the evil complained of is, that great numbers of smugglers lurk about our coasts and navigable rivers, and conceal themselves separately, under various pretences, in order to wait the arrival of their smuggling vessels; and when these vessels arrive, they then gather themselves in such a body, as to be too strong for the civil power; so that, before a proper assistance can be procured, they get their goods landed and carried clear off. Now there is another clause in this Bill, which, with a very little variation, will, in my opinion, be an effectual remedy for this evil, which is that clause, by which a a power is given to any justice, upon a proper information, to seize all such persons, and commit them to the house of correction, in case they cannot give a good account of themselves, which will render it impossible for these fellows to conceal themselves separately, and wait for a ship's arrival; they must, from the beginning of their waiting, appear in a body, in which case it may perhaps be out of the power of a neighbouring justice to seize any of them, in order to send them to the house of correction; but in such a case, it will likewise be out of the power of any justice to seize any of them, in order to send them to jail without bail or mainprize: in both cases, the justice must wait till he can procure a proper assistance, which he may do generally before the arrival of the smuggling vessel expected; and the sending of them to the house of correction, will as effectually prevent their being assisting for that time at least, in the landing or carrying off any goods, as the sending them to jail and afterwards transporting them would be. This regulation would be consonant to the laws of this kingdom, and the punishment would be, in some measure, proportioned to the crime; because a man who loiters idly in any place, and cannot give a good account of himself, deserves to be sent to the house of correction as a vagabond; but I must think it too severe, to make a man guilty of felony, or to commit him without bail or mainprize, only because he is seen with a sword or cutlass lurking or loitering in any place, and is not able to give such an account of himself as may be satisfactory to a country justice. For this reason, I hope your lordships will agree to the amendments I shall propose as follow, (as abovementioned).

These Amendments will, in my opinion, make the Bill as effectual as it is at present against smuggling, and will in some measure prevent those dangers which may accrue from it, with respect to the freedom of our constitution and the liberty of the subject. I say, my Lords, in some measure; for neither these amendments, nor any amendments, can prevent its being a very dangerous Bill, and such a one as I am sorry to see necessary in this once happy kingdom. The clause I have taken notice of is a clause absolutely repugnant to the whole tenor of our laws, and inconsistent with the liberty and happiness of the people; but there are several other clauses which may be of dangerous consequence both to our trade and our constitution, some of which I shall beg leave to take notice of, not with a design to amend them, or leave them out, but in order to shew that there is the greater necessity for agreeing to the amendments I have proposed, as well as to one other amendment I shall hereafter propose.

The Clause for making all persons guilty of felony, who to the number of two or more, shall be found armed with any offensive weapon, and travelling within five miles from the sea-coasts or any navigable river with any horse or cart whereon shall be laden or put more than six pounds of run tea, or any other run goods above the value of 30*l.* sterling, is a most dangerous clause for the subject;-because it puts it in the power of any malicious or knavish servant, to make his master if he travels with a sword or pistols, guilty of felony whenever he has a mind, by putting seven pounds of tea, or thirty guineas worth of lace into his master's portmanteau, and going, at the next town they stop at, to inform against him as a smuggler; for which piece of malice or knavery, this servant is, by a subsequent clause, to receive 50*l.* reward. Nay, I do not know but some lord of this House may sometime hereafter be transported as a smuggler; for seven pounds of tea, or thirty guineas

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worth of lace, may be packed up in very little room, and if a malicious or knavish servant, should put any such parcel into his lord's coach-box, or cloak bag, and swear that he put it there by his lordship's order, with a design to convey it to his house in town, or his house in the country, I do not see how the best nobleman in the kingdom could vindicate himself against such a clear proof of a fact made felony by this Bill. The noble lord would of course therefore be found guilty, and transported as a smuggler; and the servant would get 50*l.* reward from the government, besides a much greater reward perhaps from those who put him upon that piece of treachery, and furnished him with goods for that very purpose.

I know, my Lords, it may be said that no man can be absolutely safe against treachery and perjury; but from all our law-books, I defy any man to suppose a case where it is so easy to cook up a treacherous, yet feasible accusation against a man who has not been guilty of the least imprudence; or so safe to give a false testimony, as it will be in the case I have now laid before you; for in all, or most other cases, there must be a confederacy and combination between two or more persons, in order to get a man convicted upon a false information; in which case the confederates are in danger of being betrayed by one another; and even the facts themselves which are falsely sworn against a man, often furnish him with means for justifying himself and condemning his accusers; whereas in the present case, there is no need of any confederacy, nor can the person accused justify himself by any means I can think of.

The Clause for making actions of assault upon officers triable in any county of England, may likewise, in my opinion, be of dangerous consequence. It is granting a privilege to his Majesty's officers which is very inconsistent with the safety of his Majesty's subjects; and it is such a privilege as ought not, I think, to be granted even to the crown itself, nor ever was granted, except upon very extraordinary occasions. For when an officer is assaulted, or pretends to have been assaulted by a country gentleman or farmer, I can see no reason why he should be at liberty to lay his action and bring it to trial in any county in England, and every gentleman or farmer who may be assaulted by an officer, confined to try his action in the very county where the assault was committed. To give to every officer of the excise as well as customs (for the clause is carefully extended to both) a privilege of making a country gentleman or farmer, with all his witnesses, dance from Northumberland, Wales, or Cornwall, in order to defend himself against an action of assault to be tried in the county of Middlesex, in Kent, or in Essex, where the characters of the plaintiff, defendant, or either of their witnesses, can neither be known, nor enquired into, is, in my opinion, contrary to the whole spirit of our laws, and inconsistent with the quiet and ease of all other subjects; for every Jack in an office is but too apt to be insolent and saucy to those who must apply to him; and this privilege may, I am afraid, render our Jacks of the Custom-house and Excise-officers altogether insupportable. It is a good luck for us that no officer of our army can well bring an action of assault against any man, at least it is as yet reckoned inconsistent with their honour to do so; for if it had been otherwise, I should have expected that they likewise would have been included in this bountiful clause, which establishes such a remarkable difference between his Majesty's officers and his Majesty's subjects.

The Clause for admitting officers to bail in the case of murder or killing of any person who resists them, I must likewise look upon as a new piece of special grace and favour granted to our officers of the customs and excise. Indeed, in this case the officers of our army may often come in for their share, because they are generally called as assistants to custom-house officers as well as to executioners. But I am afraid this new favour may make them sometimes imagine that clubs, or even fists, are offensive weapons, and such as may be opposed by powder and ball; therefore I must think it of dangerous consequence to the lives of his Majesty's subjects; for in such a case I think, the proclamation against riots ought, at least to be read, in order that those who are only lookers on, may have time to retire: And I can see no reason why officers, in such a case, might not have been left to the course of the common law, as well as gentlemen are in a parallel case, and a case at least as favourable; for if a gentleman should kill a highwayman, who assaults him and demands his money, he must take his fate at common law, and in case the coroner's inquest should give a wrong verdict against him, he must lie in prison till his trial; but

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if an officer kills a man who did not perhaps assault him, or bring his life into any danger, and the coroner's inquest should bring it in, perhaps justly, wilful murder; yet by this clause his Majesty's justices of the peace, or any other justices, are not only empowered, but are enjoined and required, to admit such officer to bail; so that by these last words it would seem, that there is not so much as a discretionary power left in the judge if there be but the least pretence for the officer's being within this clause.

I have no occasion to explain to your lordships the great benefits and advantages we reap by trade, or how necessary it is to the very being, as well as happiness of this nation, therefore I shall only observe, that if we should destroy our trade, in order to prevent smuggling, it would indeed be an effectual remedy, and I believe the only remedy we shall ever find to be altogether effectual; but it would be like a man's giving his whole estate to his enemies, for fear his friends should cheat him out of a small part of it. Now there are in this Bill several clauses, which will, in my opinion, expose our merchants and seamen to many new hardships, dangers and inconveniences. I shall take notice only of that clause, which gives power to our custom-house officers to enter and rummage any ship at sea, if within what they may please to call the limits of any port in this island. What may be meant by the limits of a port, I do not know, but I am certain it is a term so vague and indeterminate, that it must occasion an infinite number of contests, between our custom-house officers and the commanders of our merchant-men; for no master will submit to have his ship rummaged and searched, when he thinks he is not by law obliged to do so; therefore if a custom-house officer should judge a ship to be within the limits of a port, and the captain should judge she is not, a dispute, and perhaps a battle may ensue, between the officers and the ship's crew: This will subject the captain, and I believe every one on board the ship, to an action for a hundred pounds penalty, in which they will every one be cast, if the ship should be judged in law to have been within the limits of any port when the officer demanded admittance; whereas if it should be judged otherwise, the officer is made liable to no penalty for the assault he made upon the ship; from whence we may conclude, that our custom-house officers will at last pretend to search almost every ship that comes within the four seas, unless the master agrees to pay them a tax for preventing the trouble they may give him by rummaging and searching his ship upon the high seas, and when he has perhaps a fair wind for carrying him to the port to which he is really bound: As this will be a great hardship upon our merchants and sea-faring men, I therefore wish that a league, half a league, or some other determinate distance had been put instead of the word limits.

Upon the whole, my Lords, I must think this Bill one of the most severe and dangerous Bills that was ever passed by a British legislature; and yet notwithstanding its severity, I am afraid, it will be far from answering the end. I am afraid, that instead of preventing smuggling, it will render desperate all those who shall hereafter embark in that pernicious trade, which will make them more bold and enterprising than they ever were heretofore; and their common danger will unite them closer together, which will make them more powerful and formidable. While our numerous high duties continue, while there are such profits to be got by smuggling, it is in vain to expect we can entirely prevent it by the most severe laws we can make. By such laws we may ruin our constitution, we may subject ourselves to arbitrary power, but even arbitrary power itself will not prevent it; for in France, where arbitrary power has been long established, where the punishment of every sort of smuggling is death or the gallies, where they keep up a particular sort of army called Les Maltotiers, for that very purpose, yet smuggling is in that kingdom almost as frequent as in England, and their smugglers are much more desperate than ours; for they march in little armies, are well armed and disciplined, and often engage in battle with the custom-house officers and their guard of Maltotiers. The gentlemen of the French army are indeed but seldom or ever employed in such exploits; they consider that their proper busines is to defend their country against open and declared enemies; and therefore they think it below them to engage against Banditti, or to hunt after and guard criminals; this low sort of work they look on as fit only for Maltotiers and Archers, or sheriff's officers; and though they have a vast number of such in France, yet with them, and with all the other advantages they have, it has never yet been

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in their power entirely to prevent smuggling.

From all these considerations, I could wish, my Lords, that the Bill were delayed till another session, when we could have time to concert proper clauses for the end intended, and such as would not any way injure our constitution, or oppress our fair traders. Such bills ought to be drawn up and passed with the utmost caution and maturest deliberation; for in passing every such bill, we are placed between two precipices, where the least inclination to one side or the other may throw us headlong into a gulph of perdition: we may ruin our revenue by giving too great a latitude to smugglers, or we may destroy our constitution by placing too great and too arbitrary a power in the crown, and likewise our trade, by subjecting our merchants to too many dangers and inconveniences. But if the Bill cannot be delayed, if the disease absolutely requires some immediate application, I hope your lordships will agree to the amendments I have offered; and as it is a Bill of a very new and extraordinary nature, I hope it will not be at first made perpetual. Let us do as we always have done in most new regulations: let it be made to continue for three, five, or seven years, that we may have some experience of its effects, before we make it a perpetual law; which is the last amendment I shall take the liberty to offer.

The Answer was to this effect:

My Lords; As the immediate preservation, as well as future happiness of the nation, depends upon the support of our government, it is the duty of parliament not only to grant such funds as may be necessary for that support, but to make those grants effectual; for the granting of any tax or duty would be of very little signification, if the parliament did not, at the same time, prescribe such methods as should be effectual for raising and collecting that tax or duty; and if the methods at first prescribed should fail of the expected success, it is, for the same reason, the duty of parliament to contrive and prescribe such other methods as may be thought more effectual. The imposing of any tax or duty, and allowing any man, through our neglect, to escape paying that share of it which is due from him by law, is not only a breach of our duty towards our king and country, but a piece of injustice done to every particular man in the kingdom, who honestly and fairly contributes his share. Yea farther, any sort of neglect in this particular, must be of the most fatal consequence to our trade, and must necessarily at last be the ruin of every fair trader in the kingdom; and in our present circumstances, it may likewise be called a sort of breach of the public faith; for as most of our duties, especially in the customs, are mortgaged, in whole or in part, to the creditors of the public, the allowing the produce of any of those duties to be diminished by fraudulent practices, when it is in our power to prevent it, is the same with taking from them a part of that security which was given them by parliament, and which the parliament is bound to make good.

Notwithstanding all these obligations we lie under, yet, my Lords, I shall readily agree that we ought to be extremely cautious in granting any new powers for raising and collecting our taxes, which may any way encroach upon the constitution, or upon the liberties of the people; but if we make a phantom of every new power, or new penalty, that may be really necessary for that purpose, and give a loose to our imaginations, by supposing that every such power or penalty will be made a wrong and unjust use of, and turned towards the oppression and ruin of the subject, instead of being applied to their relief and preservation, we shall never grant any new power, nor continue the old; for no power was ever granted, nor can be granted, upon which a fruitful imagination may not form various scenes of horror and destruction; nay, no power can be granted but what may truly be made a wrong use of; but while we have a parliament subsisting, while we are subject to no earthly power but what is established by, and depends upon parliament, we have no occasion to frighten ourselves with such chimæras; for, thank God! our parliaments have hitherto been able to give a check to every wrong use that has been made of any power, and to bring the offenders to condign punishment.

With regard to the clauses in this Bill which have been objected to, and the new powers to be granted which have been set in such a hideous light; before I begin to consider any of them particularly, give me leave, my Lords, to make this general observation, that though we do not pretend to punish a man for mere thinking, nor admit a bare intention to be proved by witnesses, yet we often punish a man for speaking, and admit witnesses to prove

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words as well as facts, in order from thence to infer a malicious intention; and even by a late statute, we have laid a very severe punishment upon an intention; for we have made it transportation for any man to assault another upon the highway with an intention to rob, whereas it was before but a common trespass: how this intention is to be proved I shall not pretend to determine; but I suppose, if the man who made the assault uttered only these two words 'your money,' and his uttering of such words were proved in court, it would be deemed a full proof of his intention, and that action which in itself is but a common trespass, would, by these two ugly words, be made felony and transportation. But this is not the only case, where words may be proved, in order to shew the intention of the speaker, and convict him of the crime for which he stands indicted or accused; for we know that in all trials of murder, there is nothing more common than to prove threatening words made use of by the person indicted in order to shew that he had an intention to murder; and by an act of his late Majesty's reign, which makes it felony to tear or spoil any person's clothes in the streets it is farther enacted, that whoever shall wilfully and maliciously assault any person in the public streets or highways, with an intent to tear or spoil the clothes of such person, shall upon conviction, suffer as in the case of felony: in which last case, the intention of the person accused can be proved by nothing else but by some words or threats uttered by him before, after, or at the time of the assault; for if he had proceeded to an overt act, if he had actually torn or spoiled the person's cloaths, he would be within the former part of that law, and consequently there would be no occasion for proving his intention: nay, even high treason itself may be committed by words, without any overt act; for by an act of queen Elizabeth, who had, I believe, as great a regard for our constitution as ever any king or queen had, it is declared, that whoever shall, by any speech maintain the jurisdiction of the bishop of Rome, shall for the first offence be guilty of a Præmunire, and of high treason for the second: and in all crimes whatever, according to the whole tenor of our laws it is the intention only that is to be punished, which intention must be made appear from circumstances, and those circumstances may consist in words spoken, as well as overt acts committed by the person accused.

With this view, my Lords, let us consider that clause in the Bill now before us, which has been principally objected to. By that clause it is proposed to be enacted, that if three or more are assembled with firearms or other offensive weapons, with an intention to run any goods or merchandize, or to watch for opportunities for that purpose; or with an intention to carry off or rescue any run-goods or merchandize, or to wound or murder any of his Majesty's officers, a justice of peace, upon information to be given upon oath, may commit them without bail or mainprize; and such persons, if convicted by due course of law, are to be transported as felons. From these words is it not plain that the informer, as well as all the other witnesses, must swear to some overt acts committed, or some words spoken, by the persons against whom they swear, or to some other circumstances from whence this intention may be probably inferred? Can we suppose that any justice would commit, or any jury convict the persons accused, upon the informer's barely saying he knew they had such an intention, without giving an account of his reasons for saying so? And if he gives such reasons as must make every man believe they had such any intention, do not they deserve to be committed? Can we suppose it possible that such reasons can be given against an innocent man? At least I am sure it is no more possible in this case than in any other criminal case whatsoever. And if you think proper to make this crime felony, and the punishment transportation, it is neither inconsistent with our constitution, nor contrary to our laws, to have such a person committed without bail or mainprize; because wherever such a punishment is to be inflicted, no bail can in any case be taken; the person accused must, in all such cases, remain in prison till he be acquitted by due course of law.

As to the rewards which are by this act to be given to informers, I can see no reason why we should be more afraid of them in this case than in any other; for it is certain that in many criminal cases, even where the punishment is death, there are rewards given to informers, by the laws, and customs of this kingdom: from such rewards we have experienced great benefit with respect to the discovering, apprehending, and punishing of criminals, and we have not yet found any danger accruing therefrom to innocent persons, nor can any danger be well supposed; for if two or

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three rogues should combine together, in order to accuse an innocent man, they have generally been, and always may be made to contradict themselves, or one another, in some of the circumstances they relate; and the evidence of one man, especially a poor, low fellow, which we must suppose any such rogue to be, will never be of weight enough with a jury, to convict a man of any tolerable character. In the present case it will be the same; the informer must give his reasons, for saying that the person accused had such an intention, those reasons must either be facts he saw, or words he heard; as to both these, he may be obliged to tell all the particular circumstances, some of which the person accused may be able to prove false, or the false informer may probably be made to contradict himself, unless he has a better memory than liars usually have: even if the informer should give but this only reason, that the person accused told him so: in the first place, it is not very probable a justice or a jury would believe him, without several concurring circumstances; but besides, he would be obliged to give an account when and where and upon what occasion, the person accused told him so; with respect to which it would hardly be possible for him to form such a story as might appear probable; and at the same time such a one, as the person accused could no way contradict by proper evidence.

With respect to the liberty of applying to the King's courts in Westminster-hall, I cannot think it is by this Bill to be taken away from any of the King's subjects, nor can I think, that the Habeas Corpus Act is in any case to be repealed: the justice of peace is empowered to commit without bail or mainprize, as he may do in capital cases as well as this; but the trial must be before the King's courts either in Westminster-hall, or at the assizes; and I am sure it will not be pretended, that any of the King's courts ought, or would admit a man to bail, who, upon conviction, is by express statute to be transported. Indeed, if the justice should be guilty of error or iniquity in the commitment, the court of King's-bench might in that case give relief, and any person to be committed under colour of this Bill might, in my opinion, bring his Habeas Corpus for that purpose, in the same manner as in other the like cases; and if the trial of any person to be committed by this Bill, should not be brought on in the usual time, I can find nothing in the Bill to prevent his taking the benefit of the Habeas Corpus Act, and getting himself discharged in pursuance of that Act.

Having thus shewn, that no innocent man can be in danger, either of being committed or convicted from this clause, any more than from any other penal law now subsisting; I may, I think, conclude, that no innocent man can be by this Bill frightened from travelling with arms whenever he has a mind, and therefore it cannot, with the least propriety, be called a Bill for disarming the people of Great Britain. But I must take notice, that even as the law stands at present, if an information were given to any justice of the peace, that a man intended to be aiding and assisting in some treasonable practices, whether with arms or without, and the informer should give such circumstances as ought to gain credit from a reasonable man, such justice would be deficient in his duty, if he did not examine immediately into the affair, and commit the person informed against, if he saw any cause for so doing; which he might certainly do, even as the law stands at present, and therefore, there is no occasion for any new law for this purpose, nor would the passing such a law be any encroachment upon our constitution; and if the person impeached by any such information, should upon a fair and open trial be convicted of treason, the informer would expect, and would really deserve a much better reward than any proposed by this Bill; so that promising of a reward by act of parliament, can be of no great consequence in any case, because a rogue will be as ready to perjure himself for a reward expected and commonly given, as he will be for a reward expressly promised by act of parliament.

Let us consider, my Lords, that by the Bill now before us, there are two sorts of offences to be corrected, which were not before made liable to any punishment. The first is, an assembling to the number of three or more, armed with firelocks, or other offensive weapons, in order to be aiding and assisting in the running of goods or deforcing of officers; the other is, a lurking or loitering in any place without arms, but for the same purposes; and as the former is an offence much more heinous than the latter, therefore it is by this Bill to be subjected to a much higher punishment; which punishment cannot I think be deemed too severe; for if such men had put their de-

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sign in execution, if they had been actually assisting in any such purposes, they would be guilty of felony by the laws as they stand at present, and I cannot think there is any severity in extending the punishment to the intention, when it is proved that a man has armed himself and made ready for putting that intention in execution; for in all crimes, it is the intention, and not the action, which is principally to be regarded, therefore the punishment intended by the amendment would, in my opinion, be far from being adequate; at least, if it be an adequate punishment for this crime, it must certainly be too severe for the other offence, of loitering and waiting without any arms, or without assembling in such numbers; because any violence committed, or intended to be committed with an armed force, ought always to be more severely punished, than the same sort of violence committed, or intended to be committed without any such force.

For my part, my Lords, I must think that transportation would be a very moderate punishment for endeavouring to run goods, without paying those duties imposed by law, or to rescue them after they have been legally seized, even without arms, or without an intention to make use of any mortal weapon; but when men provide arms for this purpose, it shews they design to murder as well as smuggle; nay, I must really look upon it as a sort of treason; for it is in some manner a levying of war against the King, and we know, that a consultation advisedly held for that purpose, has been always reckoned, and long since declared by statute, to be high treason: and, farther, if we consider the numbers of men that have sometimes assembled together in arms for smuggling purposes, we must have the more reason to conclude, that it is a sort of treason, in which case we may, with a great deal of freedom, inflict the punishment of transportation, upon three or more's assembling together, with any such intention; for such a number cannot assemble together for such a purpose, without a previous consultation; which is a sort of overt act that may be proved, and has often been admitted to be proved, in order to convict a man of high treason. A month's confinement in a correction-house, though attended with the severest sort of whipping, which it would never be, would for these reasons be very far from being an adequate punishment for the first offence designed to be corrected by this Bill, and it would be still farther from being effectual for the end intended. A raw country-fellow, or a poor labouring man, may for a reward easily be drawn in, to be assisting in the running of goods, where no force or violence is intended, and may for that purpose, be prevailed on to loiter and wait without arms somewhere near the seacoasts; for such a man, a month's confinement and whipping may be a sufficient admonition, he may be thereby reclaimed, and frightened from ever engaging again in such practices; but he must be an experienced and an hardened rogue, who arms himself for such purposes, and prepares to murder rather than be disappointed; it cannot well be expected that such a fellow will be reclaimed by whipping or hard labour; as soon as he gets loose and meets with his former companions, he will probably return to his former practices.

These are the fellows who give our civil government the greatest disturbance; these are the fellows who do the greatest injury to the revenue, and to the fair trader; and these are the fellows against whom this Bill is principally designed: as it is very difficult for the smugglers to make up and form a gang of such disciplined and veteran troops, the only way of putting an end to such fraudulent and violent practices, is, by breaking those gangs as fast as they begin to form themselves, which can only be done by death or transportation; and as our present government always chuses to try first the mildest method, therefore the latter method of breaking these gangs is proposed by this Bill.

I hope, my Lords, I have now shewn, that the clause objected to, is no way inconsistent with our constitution, nor with the liberty or safety of any innocent subject; that the punishment proposed, is so far from being too severe, that it is the mildest punishment we can propose, if we have a mind to provide an effectual remedy for the evil complained of; and that the amendment proposed would be very far from being an adequate punishment, or an effectual remedy against that evil, by which we suffer the most, and against which this Bill is principally designed. These things I am myself fully convinced of, and therefore I cannot agree to the amendment proposed to be made to this clause, nor to any of the other amendments which depend upon the first.

As to the other Clauses objected to,

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though no amendments have been proposed in relation to any of them, yet as they are objections against the Bill in general, I hope your Lordships will give me leave to offer some of those reasons, why I think the objections without any solid foundation. The clause for punishing those who shall be found armed, and passing within five miles of any sea-coast or navigable river, with more than six pounds of tea, five gallons of foreign spirits, or thirty pounds worth of foreign goods, landed without paying the duties, is not properly a new law, but only an amendment of an old, which has hitherto been found ineffectual, and therefore this amendment is proposed, in order to remedy the defects of the former law. The punishment is the same in both, only the description of the offence in the former statute has been found to be such, as could never be proved; and for that reason, it is absolutely necessary to alter that description, and to make it such as may be proved, if you intend to prevent or punish the offence. This is, I say, absolutely necessary, and it is impossible to imagine, that a gentleman, or any man of an established good character, can suffer unjustly by the description of the offence, even as proposed by this clause, because a jury will never believe one single witness against such a man, and it will be as difficult and dangerous for two rogues to combine together, and contrive a feasible accusation against an innocent man in this case as in any other. By the law, as it stands at present, it is as easy for a nobleman or a gentleman's servant, to put a quantity of run goods into his master's coach-box, or portmanteau, and then to inform against him, as it will be when this Bill, as it now stands, shall be passed into a law; yet we have never yet heard of so much as an attempt in this way, though it be upwards of a dozen of years since the law was passed for making it felony and transportation for any man, with offensive arms, to pass within twenty miles of any coast, with any quantity of foreign goods in his custody, which had been landed from any ship, without due entry and payment of the duties.

The clause which is said to establish a remarkable difference between his Majesty's officers and his Majesty's subjects, is, my Lords, as necessary as the former, if you intend that any of the officers should dare to do their duty within some of the counties of England; and this necessity proceeds from the great height smuggling has lately come to, and the vast numbers of men now engaged some way or other in that pernicious trade; insomuch, that in some of our maritime counties, the whole people of the county are so generally engaged in it, that it is impossible to find a jury that will upon a trial do justice to an officer of the revenue, in any case whatsoever: therefore, unless you agree to this clause, an officer, in any such county, who faithfully performs the duty of his office, must expect to be assaulted, and beaten and bruised, every day of his life; because the people of the county know, that he never can recover a verdict against them; in which case, I must leave it to your lordships' consideration, whether you can expect that ever any officer will do his duty, in endeavouring to suppress smuggling, or collecting his Majesty's revenues, either of the customs or excise.

This Clause, therefore, my Lords, I must take to be absolutely necessary; and the other Clause, in relation to the bailing of officers and their assistants, who shall happen to kill a man in their own defence, is, I think, as necessary, and this necessity proceeds from the same cause with the former; for in those counties where smuggling is become general, the majority of the coroner's inquest always consists of smugglers: so that it has been found by experience, that those inquests always bring the officer and his assistants in guilty of murder, even though it be made clearly appear, by the most undoubted testimonies, that the killing happened *se defendendo*; which must be such a discouragement to officers of the revenue, and to all those who assist them, that it cannot be expected they will ever venture their lives, in putting the laws of their country into due execution. Therefore, in both these cases, we are not to run any comparison between his Majesty's officers and any of his Majesty's subjects, but between officers and smugglers; and I hope your Lordships will all agree, that the former deserve more favour than the latter. In the last of these cases, if the officer be within the terms of the clause, if the killing happen *se defendendo*, I think it most reasonable, to order and require the judge to admit him to bail; but if he be not within the clause, of which the magistrate before whom he is brought for that purpose, is the judge, then that magistrate is neither ordered nor required by any words in the Bill, to admit him to bail.

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I shall readily grant, my Lords, that our trade is of great advantage to this nation, and that we ought to take all possible care to encourage it, and to avoid every thing that may be inconvenient to our merchants or seamen. But this, my Lords, is one of my chief reasons for being for this Bill as it stands at present; for our trade cannot be protected if our government be not supported, and our government cannot be supported, unless we prevent smuggling, and all other fraudulent practices with respect to that revenue upon which the support of our government depends: therefore the honest merchant or seaman must bear with those few inconveniences which are absolutely necessary for preventing the fraudulent tricks of the knavish one; and in the Bill now before us, I am not only convinced that there are no regulations but what are necessary, but that there is no new regulation that can subject any honest merchant or sea-faring man whatever, to any great inconvenience. I am sure the putting of an officer on board any ship that comes within the limits of a port, is most reasonable and necessary, and can never be inconvenient for any ship, unless they have a mind to run some part of the cargo; for no ship comes within the limits of a port, but with a view to trade there, or to run goods on shore, unless when she is forced thither by stress of weather or want of provisions. In the first case, I believe no man will say that it is not necessary to put an officer on board; and the last case so seldom happens, that it cannot well be called an inconvenience. As for the term, limits, I take it to be a term as well understood among merchants and seafaring men, as any term whatever: I suppose every frith and navigable river, must be within the limits of some port; and with respect to our ports upon the ocean, I suppose the limits of each port extend to the place where ships bound for that port usually come to an anchor, in order to wait for a tide or fair wind for bringing them into port; so that no officer can from this clause pretend to search a ship upon the high seas, nor will any officer dare to extort illegal fees, or any other illegal consideration; because if it should be discovered, he would certainly be dismissed, which is a risque no man of common sense will run, for the sake of any small fee he can possibly get from the master of a ship who has no fraudulent practice in view.

Whether the Bill now before us will be altogether effectual, is what I shall not pretend to determine, but it will certainly render it more difficult for smugglers to carry on their fraudulent practices, and more safe and easy for the officers of the revenue to do their duty, therefore it will be more effectual than any law now in being; and if it has not all the good effect could be wished for, some new method may be taken for answering those cases where this Bill may appear to be deficient: but such as it is, it would, in my opinion, be the most imprudent thing in the world to put off passing it till next session; for as the first part of it contains an indemnity for all past crimes in the smuggling way, if this Bill should be put off, the smugglers would all expect the same sort of indemnity by any Bill to be passed in the next session; and the hopes of being indemnified for every crime they could commit between this and the 27th of April next, would in the mean time render our present smugglers more bold and enterprizing, and would make every man who could have any opportunity, endeavour to defraud the public, by some sort of smuggling practice; from whence we may conclude, that the public would suffer most prodigiously by any such delay.

With respect to making the Bill temporary, no such clause can be made to relate to the first part of the Bill, which indemnifies those persons who have been guilty of offences against the laws made for securing the revenues of customs and excise: it can only be made to relate to the last part of the Bill, which is to enforce those laws for the future; and as the last part of the Bill, and the future security his Majesty expects may arise from thence, with regard to the revenue, is the consideration for those large sums his Majesty gives up by the first part of the Bill, it would be both unequal and unjust to make the last part temporary, since the first must be made perpetual.

I am afraid, my Lords, any amendment we can make, may occasion the loss of the Bill for this session at least, and therefore we ought to make as few as possible. I do not think there is one absolutely necessary; but if your lordships think otherwise, if you think it necessary to add a saving clause for the court of King's Bench, and court of justiciary in Scotland, with regard to the bailing of any person committed by virtue of this act, I shall readily give up my opinion, and agree to the amendment, but I cannot agree to any of the

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other amendments that have been proposed.

To this it was replied, as follows:

My Lords; We are all fully sensible that it is the duty of Parliament to grant a revenue sufficient for supporting the government, and to contrive and prescribe such methods for raising and collecting that revenue as may be effectual; but we likewise know it is the duty of Parliament to support the constitution, and to preserve the liberties of the people. Therefore when it begins to appear, that the methods prescribed by Parliament for raising the revenues necessary for the support of our government, are not effectual for the end intended, nor can be made so, without endangering our constitution, those methods ought not to be farther pursued, but methods entirely new ought to be contrived and prescribed by Parliament. This is, I am afraid, our case at present; many of the taxes we have established, are so very high, in proportion to the prime cost of the commodities upon which they are laid, that we find it impossible to get them duly raised and collected, without giving such arbitrary powers to our government in that respect, as may very probably render it arbitrary in every other; and if this be our case, we ought to think rather of lowering or abolishing some of our duties, and raising our public revenues in some other method, than of transporting and hanging our people, who are criminals by the temptations we have thrown in their way. But whatever may be thought fit to be done in our present circumstances, I am glad to hear it insinuated by the noble lords who are against these amendments, that our public creditors have any sort of right or concern in the levying of those taxes which were established for their security, and appropriated to their payment; for if they have any concern in the levying of them, they have a much greater concern in the application of them; and therefore if it be a breach of public faith to allow the produce of those duties to be diminished by fraudulent practices, when it is in our power to prevent it, it is certainly a greater breach of public faith to apply them to any other use but that for which they were originally designed; because in both cases, a part of that security which was given by Parliament to the creditors of the public is taken from them, but in the former case it is only a sin of omission, whereas in the latter it is a sin of commission, and is therefore the more heinous.

It is always with regret and sorrow, my Lords, that I form to myself any apprehensions of danger to my native country, and therefore I shall always avoid it as much as possible; but we have already created so many new crimes and transgressions, relating to our revenues of customs and excise, and have inflicted so many new pains and penalties for preventing those transgressions, that, in my opinion, the fears of increasing them can in no case be called phantoms. Our Parliaments have, it is true, been hitherto able, generally speaking, to give a check to every wrong use of any power, and to bring the offenders to condign punishment; and while our Parliaments continue to be independent of those who have the exercise of power, their will, as well as their ability, will continue the same; but we know the effect of pains, penalties, and pensions in other countries; we know that Parliaments, senates or assemblies, have, by such means, been made subservient to the worst and most tyrannical uses that could be made of power; and if this should ever unfortunately happen to be our case, our Parliaments will neither be willing nor able to check the abuse of any power, or to punish the offenders. For this reason we ought to be extremely jealous of loading our people with pains and penalties, or subjecting them to a multitude of penal laws; for oppression may be easily cloaked under colour of an act of Parliament, and many may be hanged or transported under pretence of their having been guilty of some action made penal by statute, without raising any general murmur among the people, or giving the alarm to those who do not then think themselves in danger of any such prosecution; whereas the least act of oppression, without any such pretence, would raise a general murmur, and give an universal alarm, because every man in the kingdom would think himself in danger. In this nation no man of common sense would extend his power of oppression to any great length till he has got a Parliament to his mind, but when he has got such a Parliament, his power will then be without controul, and by subjecting multitudes of our people who have votes at elections to high pains and penalties, or to the danger of being prosecuted upon penal statutes, we may render it easy for a man to accomplish this end, which, when once accomplished, may be, by the same

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methods, easily preserved as long as he pleases; for such a parliament will never refuse to pass any penal statute he thinks fit to propose.

No law can be proposed, my Lords, for the necessity of which some reasons may not be urged; even the most tyrannical laws have been made under pretence of preventing or punishing some real abuse; but all wise nations have chosen to allow an abuse to escape unpunished, rather than to make such a law as might involve the innocent in the same punishment with the guilty. In this respect we have been always so cautious, that, though the intention be principally regarded in all crimes, yet we have never yet made a law for punishing in a severe manner, a bare intention, unless when accompanied with some unlawful action: Indeed, if a man has committed any illegal action, our laws, in some cases, allow his intention to be enquired into by witnesses; and circumstances, or even words uttered by him, may be proved, in order to heighten his punishment; but no words can by any of our laws subject a man to such a severe punishment as that inflicted upon felony, unless those words be accompanied with some sort of action which is in itself unlawful, or pronounced in such a solemn and deliberate manner as to imply a sort of action; and the reason of this is plain, because no subject could be safe or easy, if words spoken by him, perhaps at random, or before but one witness, could be picked up, and proved against him, in order to convict him of felony; for in such a case a man's words might often be mistaken, or unfairly related by those that hear him, and no man could guard against perjury, nor have an opportunity of justifying himself against a false accusation; If ever any such custom or law should come to be established in this kingdom, the happiness and security of our people would be at an end; We might expect, some time or other, to have informers as numerous and frequent in our streets, and in all our public places, as ever the 'delatores' or informers were about Rome under their most tyrannical emperors.

The very cases mentioned by the noble Lords who have spoke upon the other side of the question, evince what I have said to be the standing maxim of the laws of England. In the case of murder, the killing of a man, which is in itself an unlawful action, must be proved, and then threatening words or other circumstances may be proved, in order to shew that that unlawful action was committed with an intention to murder: In an assault with an intention to rob, or to tear a person's cloaths, it is the same; the assault is in itself an unlawful action, and the intention is allowed to be proved only to aggravate the punishment. In treason, a consultation or conspiracy to murder the king is a sort of overt act, and the manner how that consultation was held must be proved; for it would be no sufficient proof in this case for informers or witnesses to say, that they had heard the prisoner say he intended to murder the king, or that he had had a consultation for that purpose: And the statute of queen Elizabeth clearly shews, how cautious we have always been, not to subject men to any heavy punishment on account of any words they may unadvisedly utter; for, before a man can be made liable to any of the penalties of that statute, it must be proved, not only that he maintained, but that he advisedly maintained the jurisdiction of the bishop of Rome; in which case the manner of his speaking, the place where he spoke, and several other concomitant circumstances must be made appear to the court, in order to shew that what the prisoner said was advisedly said; and when such a proof is laid before any court, it cannot be called a proof of words only, but is likewise a proof of several facts which accompanied the pronouncing of those words. So in a late statute, where words are made criminal, we may see how cautiously our laws are in such cases penned; for it is enacted, that where any person shall maliciously and directly, by preaching or advised speaking, affirm, that the pretended prince of Wales hath any title to the crown, such person shall incur a Præmunire: in this case likewise the informers or witnesses must give an account of the whole circumstances attending the words spoken, in order to shew that they were maliciously, directly, and advisedly spoken; and as a farther security for the subject against false accusations, it is by the same act provided, that no person shall be prosecuted for words so spoken, unless information be given on oath in three days after the words spoken, and the person prosecuted within three months after the information given: In both these cases therefore, the words made criminal, imply a sort of action; for several concomitant facts must be proved, in order to shew that the words were advisedly spoken.

Let us now, my Lords, compare these

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cases with the case now before us. The words of the bill now before us, are, that upon information to be given upon oath, before any one or more justices of the peace, that any persons to the number of three or more, are, or have been assembled for any of the purposes aforesaid, and are or have been armed with fire-arms or other offensive arms or weapons, such justice may grant his warrant, and upon such person's being brought before him, may, if he upon due examination, finds cause, (that is, if he thinks fit,) commit them to the next county-jail, without bail or mainprize, till discharged by due course of law. Then come the words for their trial and condemnation, which are, that such persons, upon due proof of their being armed and assembled, in order to be aiding and assisting, in the clandestine running, landing, rescuing or carrying away prohibited or uncustomed goods, and upon conviction thereof, shall be adjudged guilty of felony. Do not your lordships see, that in this case men are to be committed for a bare intention, without their having deserved to be brought into that jeopardy by any one overt illegal act whatsoever? I shall grant that if the justice understands the spirit of our laws, and acts justly, he will examine the informer narrowly as to circumstances, and will not commit, unless the informer gives good reasons for saying, that those he informed against had such an intention; but the words of this clause make no such precautions necessary: we are not now to enquire what the justice ought to do, but what he may do, and I will say, that, by these words, an information upon oath, that such persons were assembled and armed with such an intention, without assigning any reasons, without relating any circumstances, will be a sufficient authority for the commitment, will excuse the justice from all the penalties of false imprisonment; therefore if the justice has any malice against the persons brought before him, or has a job of his own to gain by it, or be a tool of those that have, are we not to suppose that he will commit the persons against whom he has such an information? and may we not suppose that such informations may be cooked up, and persons of great credit committed, in order to carry an election for members of parliament?

Then as to the trial, my Lords, is not here a man to be tried, and brought into great danger of being condemned, and for no less a crime than felony, upon a bare intention, and without his having ever deserved to be brought into such a danger by any overt illegal act whatsoever? Can we say that any subject is safe, who may, upon malicious information, which he cannot disprove, be brought into such danger? I say, my Lords, an information which he cannot disprove, for this will always be the case. Suppose three gentlemen out a shooting, or travelling upon the road with arms for their defence: suppose they meet a malicious or an avaricious rogue in the fields, or upon the highway, and ask him several questions about the game in that neighbourhood or about the roads; may not that rogue go before a justice and inform, that they then told him they were upon the smuggling lay, and offered him money to join with them? I should be glad to know how these three gentlemen could disprove this information. I could suppose twenty such cases without any very fruitful imagination: but in this case, let us suppose farther, that some persons at a distance saw these three gentlemen speak to this rogue, and were brought to prove this circumstance upon the trial; that a ship was then hovering upon the coast, and some run goods found concealed the very next day near the place: would not these circumstances contribute greatly to the conviction of the gentlemen? nay, the rogue himself might mention every one of them in his information, in order to convince an honest justice. My Lords, it is a most dangerous situation for any man to have his estate and liberty depending upon the opinion a jury may conceive of his character, in opposition to the oath of another man: and in this case, it is more dangerous than any other; because a man, otherwise of the best of characters and of opulent circumstances, may be presumed to have had an intention to smuggle, whereas no jury would presume or easily believe, that such a man could have an intention to rob upon the highway, or to tear people's cloaths: then with respect to the informer, if he were a low, mean fellow, no jury would believe that any man would attempt to rob him upon the highway, nor would a jury easily presume that a man of good circumstances would impart to him his intention relating to any other crime; but in smuggling, men of the best circumstances often employ mean fellows, and therefore a jury may the more easily presume, that such a fellow was in that case privy to the design of the richest man in the kingdom. Thus your Lordships may see what dangers, what undeserved dangers, the best of the King's subjects

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may be brought into by this clause; and here are none of those cautionary words, none of those cautionary provisoes, which are in any of our penal statutes relating to words: if a man's intention to smuggle is to be taken from words spoken by him, it is not made necessary to prove that those words were directly or advisedly spoken; nor is there any limitation, as to the time when the information is to be made, or the prosecution commenced: An accusation may be contrived, and witnesses prepared to prove, that a man had such an intention at a certain time ten years before; in which case it will be impossible for him to remember, much more to prove, where he was, with whom he was, what he was doing, or any other circumstance that can contribute to his vindication.

I hope I have set this danger in so clear a light, that your lordships will think it a danger, to which the people of this kingdom ought not to be exposed, for the sake of collecting any duty they have now the misfortune to labour under, even though informers were not to be encouraged by any reward, either promised or expected: There are many causes, from whence false accusations may arise, besides rewards in money: Private malice, private law-suits, contests about elections of any kind, and that which is the most dangerous of all, the spleen of a minister against those who oppose him strenuously in the worst of his measures, may propagate false informations, when it is made so easy to contrive them, so as to render it impossible to convict the informer of perjury, or to sue a tool of a justice for false imprisonment; and when men are exposed to such dangers, when men are by law made liable to such false and vexatious informations at the suit of the crown, you cannot expect that any private man will act boldly and strenuously, in any election for members of Parliament, against that which is now called, and may sometime hereafter be properly and truly called the Court Interest: But this danger, great as it is, is greatly enhanced by the following clauses, which pledge the public faith, and give to every informer, who shall be so cunning as to convict his man, a title by act of Parliament to a reward of 50*l.* for every man he shall so convict. Such rewards are in all cases dangerous: we have already had instances of false informations made for the sake of the reward, in the case of robbery, where it is very difficult to set up any such prosecution; some have been already discovered, but we are not sure that all such have. If there were no difference between a reward expected, and a reward promised, there would never be an occasion to promise any such thing; but in either case, I say, a reward is of the most dangerous consequence, when promised to, or expected by a man, who is to be an evidence against the prisoner, and not to be entitled to any reward unless the prisoner be convicted; therefore such rewards ought neither to be promised nor given, but upon very extraordinary occasions; and in every case, where the witness does but expect a reward, either upon the acquittal or condemnation of the prisoner, it is certainly, by all the laws in the world, a good reason for giving no credit to his testimony.

Whether a man, who may be committed by virtue of this clause, will be intitled to his Habeas Corpus, is what I shall not now enquire into, since it seems to be agreed to add a saving clause; but can it be thought that it is no hardship upon a man to lie in jail, till he can be relieved by the Court of King's-bench, which may, when he is at a great distance from London, be above two months; and yet not to have it any way in his power to punish the justice who committed him without a just cause, nor the informer who swore falsly against him? therefore, I hope your lordships will not think that a saving clause, with respect to bail, will be sufficient to guard the subject, against the injuries that may be done them, by means of this clause, should it pass into a law.

From what I have said, my Lords, I think it is now evident, that if this bill passes into a law, it will be dangerous for any man in the kingdom to travel with arms; and therefore it may, as was said in the beginning of the debate, be justly called a Bill for disarming the people of Great Britain, in order to preserve their liberties, and make them pay their taxes. I hope it never will, but it certainly may be made a precedent for such another bill, with regard to treasonable practices; and here I must take notice, that if an information were given upon oath to a justice, that a man had armed himself in order to assist in treasonable practices, it would be the duty of a justice to inquire into the affair; but unless it appeared by the oath of some person or other, that that man had actually committed, or was suspected to have actually committed, some sort of treasonable practice, the justice could not

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commit him; for by our laws, as they stand at present, there is no such thing as swearing the peace in cases of high treason; and therefore upon great and dangerous emergencies, there is always a temporary law passed, for enabling his Majesty to secure those persons he shall suspect to be conspiring against him.

With regard to the offences intended to be corrected by this bill, I must think that the punishment inflicted upon the first is severe enough for the last: I shall grant that a man who is convicted of having actually been aiding or assisting in the running or rescuing any prohibited or uncustomed goods, and was armed for that purpose, deserves to be made guilty of felony and transported; but I cannot think the intention to smuggle with an armed force, ought to be subjected to the same punishment with the crime itself, especially when that intention is not manifested by any one illegal act. An intention to commit felony, is seldom or ever equally punished with the crime itself; even in the late act against robbery, an assault with intention to rob, is not made liable to the same punishment, as if the robbery had been actually committed, though the intention be manifested by an overt illegal act. And though the smugglers may perhaps be as loth to part with a disciplined gang, as we are to part with a disciplined regiment; yet I shall never be for declaring any one of my countrymen guilty of felony, upon a suspicion, or even the clearest proof, that he intended only to be one of that gang, but had never been engaged in any action, so far as was made appear to me; I think it is time enough to do this, when he is proved to be a veteran, by having been at least once in action; and as the sending them for a month to a correction-house, will prevent their executing their intention at least for that time, and as this may be repeated by the diligence of the officers and magistrates, as often as they form any such new intention, I hope it will be in a great measure effectual; therefore, I am for making it the only punishment; for though I am against smuggling as much as any lord in this House, yet I have such a tender regard for my countrymen, that I cannot agree to subject the innocent to great and unavoidable dangers for the sake of punishing the guilty.

Now, my Lords, with regard to the other clauses objected to, give me leave to make some observations upon the excuses that have been made for them. As to the clause for making smugglers of all those who shall be found passing with more than six pounds of tea, five gallons of spirits, or 30*l.* worth of any other foreign goods, without a permit, or without having paid the duty; if it be designed only as an amendment of a former law, it clearly shews how fast we improve in rendering our laws severe, arbitrary, and dangerous. The law here referred to is, I suppose, that which was passed in the 8th of his late Majesty's reign, by which it is, among other things enacted, That all persons passing, knowingly and wittingly, with any foreign goods, landed from any ship, without due entry, and payment of the duties, in their custody, within 20 miles of our coasts, and shall be more than five in company, or shall carry any offensive arms, or wear any vizard, or other disguise, when passing with such goods; or shall forcibly hinder the officers in seizing them, shall be guilty of felony, and be transported: This law is, and was at the time of passing, deemed a severe law; but let us examine the provisions here made, for the security of the innocent subject: It must be proved, that the person accused, was passing with such goods, knowingly and wittingly, that is, it must be proved, not only that the goods taken in his custody were run goods, but that he knew them to be run goods, and it must be expressly proved that the goods were in his custody: It must be praved, I say, that the goods taken in his custody, were actually run from some ship, without due entry and payment of the duties; and it must be proved, that they were seized within 20 miles of the sea coast, and not in any inland part of the kingdom; and farther it must be proved, that the person was actually passing from some sea coast, and not from one inland town to another.

These are such proofs, my Lords, as, it cannot be supposed, could be made against an innocent man; but every one of these safe-guards for innocence, is by this amending and improving clause left out; for by this new clause if a gentleman with pistols before him be found riding, almost in any part of England, in company with another man, who has got seven pounds of tea, or 30 guineas-worth of lace in his cloak-bag, and who cannot prove that the tea or lace was duly entered, and the duties regularly paid, that gentleman, be he what he will, is a smuggler, and guilty of felony, within the words of this new clause,

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though he did not so much as know that his companion had any goods or merchandize in his custody. The officer who seizes and prosecutes, has no occasion to prove that the goods were in the gentleman's custody, or that he knew any thing of such goods being in his companion's custody: the officer has no occasion to prove that the goods were actually run; but the gentleman must prove that the duties were paid, which will in all such cases be impossible for him to do, nay though his companion were really an honest man, it may be impossible even for him to prove that the goods were entered and the duties paid; for if he bought them from a shopkeeper, who was a smuggler, that shopkeeper would certainly deny that he sold any such goods: and lastly the officer has no occasion to prove, that the gentleman was passing from any sea-coast, or that the goods were seized within twenty miles of any sea-coast; if the gentleman was only passing from one inland town to another, but unluckily happened to be within five miles of any navigable river, which includes many inland parts of England, when the goods were seized, he thereby forfeits his estate and liberty, and even exposes his life to great danger; for it is not quite so safe, with respect to a man's health, to travel to any part of the West-Indies as to travel to Montpelier or Naples; and when a man has forfeited his estate, without making any provision before-hand, which an innocent man will never think of, it is not to be supposed that he can have the conveniences necessary for preserving his health in his travels.

With regard to the clause relating to assaults upon officers, I must still look upon it, my Lords, as a most extraordinary, and a most dangerous clause, notwithstanding the excuse made for it: because it is not confined to assaults made by smugglers upon officers, or to assaults made upon officers, in the execution of their office; but it is a most general clause, and comprehends every quarrel or combat that shall happen, at any time, or in any place, between any one of his Majesty's subjects, and any one of his Majesty's custom-house or excise officers; and it will certainly encourage those officers to provoke people to assault them, in order that they may from thence have an opportunity to extort money and raise contributions upon those they have so provoked. Then again, the cause assigned for granting such a privilege to officers, is founded upon a presumption, which neither can nor ought to be presumed: to presume that a county or a jury, will not do justice, may be made a foundation for extending this privilege to all actions and prosecutions that shall be brought against, as well as to all that shall be commenced by any of his Majesty's officers; and thus I do not know, but we may at last go so far as to have all such actions and prosecutions determined before the commissioners of the customs or excise, and them only. 'Principiis obsta' is a good rule in all cases, and I think there is a necessity for observing it in this. The other clause, with respect to bail, is established upon the same wrong foundation, and is an alteration of the common law, which may be of the most dangerous consequence; for we know how apt justices of peace may be made to favour officers, and to judge that they are within this clause even when they have committed the most cruel murders.

As to our trade, my Lords, I will aver, that there is no nation in the world where merchants are subjected to so many burdens, dangers, and inconveniences upon import and export, or where the laws relating to trade, foreign and domestic, are so voluminous and incomprehensible as they are in this; and if we go on at the same rate, a captain of a ship will at last be obliged almost to load his ship with acts of parliament, before he can be fully apprized of all the duties he must pay, and all the directions he must observe, with respect to the importation and exportation of his goods. I wish we would consider this while we have some trade remaining; but it does not seem to be much considered by this Bill; for it will certainly be a great inconvenience to a master of a ship to have his hatches opened, his cabin and his ship between decks rummaged, and all the boxes and bales that may be there turned topsy-turvy, where he is lying at anchor within what may be called the limits of a port, waiting for a calm sea and a fair wind. The avoiding of this inconvenience will make masters keep their ships out at sea in a storm, when they might safely come to an anchor within the limits of some port, and may consequently prove the loss of many a British ship: and to pretend, that officers will never run the risque of exacting illegal fees or perquisites, or that such officers will always be dismissed, is pretending to that which is contradicted by daily experience; for wherever there is any such opportunity given, we find it is al-

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ways taken hold of, and sometimes most oppressively used.

Thus, my Lords, I think I have shewn, that every one of the excuses made for the clauses objected to is without any foundation; and as the Bill in general is of a most dangerous nature, it ought, I think, to be delayed till another year. In this there can be no danger: for no man can depend upon such a Bill's passing even in the next session, nor can any man depend upon that Bill's containing such an indemnity as this does; and it would be ridiculous to imagine, that such an indemnity, to be then passed, would be then granted for all smuggling crimes to be committed before the 27th of April next; therefore no man can by such hopes be induced to engage in the mean time, in any smuggling practices.

To imagine that the latter part of this Bill is any sort of consideration for that indemnity which is granted by the first, is, in my opinion, not consistent with that respect which is due to his Majesty; for no act of grace or mercy which proceeds from the crown ought to be presumed to flow from the expectation of any valuable consideration, but from his Majesty's wisdom and goodness only; therefore the latter part may be made temporary, without doing any injustice to the crown: And if we were to look upon the second part as a consideration for the first, as it stands at present, I must think it a consideration of a value by much too considerable; for exposing the constitution to danger, or the innocent to suffer, if it were but for one year, is, in my opinion, too valuable a consideration to be given for an indemnity to all the rogues in the kingdom.

As for the fears which have been expressed, that any amendments we may make may prove the loss of the Bill for this session at least, there cannot be the least ground for them; for surely we may make what amendments we please to any act of indemnity; and if the latter part of the Bill be of the nature of those Bills, which it is pretended we cannot amend, it ought to have been made a separate Bill, it ought not to have been tacked to a Bill of Indemnity; therefore, my Lords, in order to put an end to such pretences, or at least to such practices, we ought, I think, to make as many amendments as we can possibly find any the least occasion for.

All the Amendments made in the committee were disagreed to, then the Clause now standing in the act, relating to the court of King's-bench and court of justiciary, was proposed to be added, which was agreed to; and on the 9th, the Bill was read a third time and passed, upon a division, Contents, present 39, Proxies 18, in all 54. Not Contents, present 32, Proxies, 14, in all 46.

Protest against passing the Bill to prevent Smuggling.] Whereupon the following Protest was entered, viz.

"Dissentient,

"1. Because some parts of this Bill are so repugnant to the laws and constitutions of this kingdom (as we apprehend) that we could not, consistently with the rules of reason and justice, concur in the passing of it: the substance of one clause in this Bill being to this effect, viz. 'That upon information before a justice of peace, that any persons, to the number of three or more, who are or have been, after the 24th day of June, 1736, armed with fire-arms, or other offensive weapons, with intent to run goods, such justice shall and may grant a warrant to a constable to apprehend such persons; and if such justice finds cause, upon examination, he shall and may commit them to the next county gaol, there to remain without bail or mainprize, until discharged by due course of law; or, upon conviction, they are to be adjudged guilty of felony.' Now as this Bill is to create a new kind of felony, without limitation of time or place, upon principles unknown to our law, we cannot but think it should be made so plain and clear, that the judges in Westminster-hall might determine upon it, without doubts or difficulties: But we conceive, as this Bill now stands, many doubts may arise as to the construction of it.

"2. Because we do not know of any one act in the statute-book, whereby it is put in the power of a single justice of the peace to commit persons, without bail or mainprize, upon a bare information, without any proof. And although the House found it necessary to repeal so much of the clause aforesaid, as allows the justices to commit without bail or mainprize, by adding a rider, 'to empower the court of King's-bench to grant bail to persons so committed,' we cannot be of opinion, that the objections to the Bill were removed, since the power of imprisonment still remains in the hands of a single justice of the peace, upon a bare information of an intent to run goods, without any Overt

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Act to prove that intention, than what may be a common and innocent circumstance, viz. The riding three or more in company with usual arms, and no limitation fixed either for time or place.

3. Because this Bill was altered in the committee, by the unanimous consent of all the Lords present, and those alterations were disagreed to upon the report, without sufficient grounds, as we conceive: And as two noble and learned Lords, who preside in the two greatest courts of the kingdom, shewed by the strongest arguments, that the Bill, as it now stands, may be dangerous to the liberties of our fellow-subjects, we could not agree to the passing of it, however expedient or necessary it may be supposed in other respects, being fully persuaded it would have been better to have left this matter to the laws now in being (already very severe) and to the consideration of a future session of parliament, than to constitute a precedent of such dangerous consequence, and to enact a law, which, as we fear, may be attended with perpetual grievances, injustice and oppression.——*(Signed)* Foley, Warrington, Strafford, Montjoy, Coventry, Northampton, Shaftsbury, Weymouth, Beaufort, Bolton, Cobham, Thanet, Oxford and Mortimer, Litchfield, Bathurst, Winchelsea and Nottingham."

The Speakers in the several debates which happened in the House of Lords on occasion of this Bill, were as follow: Against the Bill, or for the Amendments, the Lord Chancellor, the lord Hardwick, the lord Carteret, the lord Bathurst, and the earl of Strafford. Those who spoke for the Bill, and against the Amendments, were the duke of Argyle, the earl of Ilay, the earl of Cholmondeley, and the lord Hervey.

May 20. The said Bill was returned to the Commons, when they took into consideration an Amendment made by the Lords; and the said Amendment being twice read, Mr. Speaker acquainted the House, That when any thing occurred which might any way look like an incroachment upon the privileges of that House, he thought it was his duty to lay the case impartially before them, and then to leave the House to do in it as they should think fit: that in all bills by which any tax or duty was to be imposed upon the subject, it was the undoubted privilege of that House, and they had always insisted upon it, that the other House should not make any the least amendment to any such bill; but were in all such cases either to pass the Bill without any amendment, or to reject it if they thought fit: that as the taxes and duties granted by that House, could not be raised or collected without prescribing proper and effectual methods for that purpose, therefore in all bills for imposing any tax or duty upon the subject, certain methods had been prescribed for effectually raising that tax or duty; and if the methods prescribed should afterwards by experience be found ineffectual, new methods had always been contrived, and proper bills passed for establishing those new methods; which last sort of bills had generally been looked on as appendixes to the first bill by which the tax or duty was granted; therefore such bills were looked upon as bills of the same nature with the first, and consequently that House had generally insisted upon it, that the other House could not make any amendment to this last sort of bills, no more than they could have done to the bill by which the tax or duty was granted: that as the bill then before them was for enforcing the laws made for securing the revenues of customs and excise, it was properly to be considered as an appendix to the laws by which those revenues were originally established; and as the other House had made an amendment to it, he did not know but their making an amendment to such a bill, might be looked on as some sort of incroachment upon the privileges of that House; for which reason he thought it his duty to state the case to them, before they proceeded to take the amendment into their consideration: that he had searched the Journals of the House for cases of the same nature, and would read such of them as he thought most applicable to the case then before them.

Upon this, several Journals of the House were read, relating to amendments made by the Lords to Money-bills, or bills of the same nature: the reading these Journals occasioned a debate in the House in relation to their privilege: But at last the question was put for agreeing to the amendment, which was carried in the affirmative; and Mr. Willes was ordered to carry the Bill to the Lords, and acquaint them, that the House had agreed to the amendment.

Debate in the Commons on a Bill for explaining the Bribery Act.] May 11. A

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motion was made by Mr. Henry Arthur Herbert, for leave to bring in a Bill to explain and amend so much of an act made in the 2nd year of his present Majesty's reign, intitled, 'An act for the more effectual preventing Bribery and Corruption in the election of members to serve in parliament,' as relates to the commencing and carrying on of prosecutions grounded upon the said act; which was granted accordingly, and Mr. Herbert, Mr. Lloyd, Mr. Knight and Mr. More, were ordered to prepare and bring in the same: accordingly a bill for that purpose was presented to the House the same day, and read a first time.

The reason assigned for bringing in this Bill, was, That by a clause in the above act it is enacted, 'That no person shall be 'made liable to any incapacity or penalty 'by the said act imposed, unless prosecu-'tion be commenced within two years af-'ter the crime committed, nor in case of 'prosecution within that time, unless the 'same be carried without wilful delay:' but this limitation was not sufficiently full and explicit, because the suing out of an original was a commencement of a prosecution, which might be done without letting the party prosecuted know that any such prosecution was commenced; and the limitation being saved by the suing out an original in this private manner, prosecutions upon that act might be depending privately against men for many years after the supposed offences, which would be of the most dangerous consequence, and therefore it was necessary to bring in a short Bill for explaining and amending that clause, so as to make it necessary to give the party prosecuted notice of the prosecution within the two years.

After the second reading of this bill the next day, sir John Hind Cotton took notice, That upon a serious attention to that bill, he was not at all surprized to see it brought in so late in the session, and passed in such a hurry; for as it was drawn up with a retrospect, it was really an act of indemnity for almost all the bribery and corruption men might have been guilty of at the last general elections for members of parliament, and might very probably be an injury to several private men, who had already done all that was made necessary by that act for intitling themselves to carry on prosecutions against offenders; for as the two years since the former election were then just expiring, if a gentleman had just sued out forty originals against forty different offenders, and had thereby intitled himself to proceed against them at his own conveniency, he would be intirely disappointed, and lose the whole expence he had been at; because the two years would very probably be expired before he could hear of this act, and then it would by this new act be past the time for serving even those very originals, which he had regularly sued out in the terms of the former act; therefore he hoped the committee would amend the bill, so as to prevent its having a retrospect, or doing an injury to any gentleman who had been guilty of no wilful delay or omission, as the law then stood; for it was very probable that a great number of originals had been sued out, but not served or prosecuted, because the prosecutors would in common prudence wait till a few cases of the same nature had been determined, in order that they might from thence learn how to proceed.

To this it was answered by Mr. Lloyd and Mr. More: That whatever lawyers might mean by a prosecution commenced, the meaning of the legislature when that law passed, certainly was, That no prosecution should be understood to be commenced, unless the person prosecuted had notice of it, within the time limited, by an arrest, summons, or some other legal method; and as this was the meaning of the legislature, they believed most gentlemen had taken it in that sense, for they had never heard of any prosecutions commenced in the other manner, nor could any gentleman in that House give an instance where a prosecutor had sued out a number of originals without summoning or arresting the persons against whom they were sued out; from whence it was to be presumed, that if there were any such instances, they were so rare as not to deserve the notice of that House.

Then the bill was agreed to without any amendment, and being read a third time on the 14th, was passed without opposition

The King's Speech at the Close of the Session.] May 20. The King came to the House of Peers; and the Commons attending, his Majesty put an end to the session with the following Speech:

"My Lords and Gentlemen;

"The dispatch you have given to the public business, and the advanced season of the year, make it proper to put an end to this session of parliament.

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"I acquainted you, at your first meeting, that Preliminary Articles had been concluded between the Emperor and the most Christian king; since which time, a farther Convention, concerning the execution of them, hath been made, and communicated to me, by both those courts, and negociations are carrying on, by the several powers engaged in the late war, in order to settle the general pacification.

"Gentlemen of the House of Commons;

"I return you my thanks for the provisions you have made for the service of the current year; you can never better recommend yourselves to my esteem, and to the good opinion of those you represent, than by raising the Supplies necessary for the support of my government, and for the service of the public, in a manner the most effectual, and the least burthensome to my people.

"My Lords and Gentlemen;

"It is a great concern to me, to see such seeds of dissention sown among my good people, as, if not timely prevented, may prove very prejudicial to the peace and quiet of my kingdoms; it is my desire and shall be my care, to preserve the present constitution in Church and State, as by law established, perfect and entire, and not to countenance any attempts to the prejudice of either. Good harmony, and mutual affection, among all the Protestants of this nation, have been the great security of the present happy establishment, from the revolution to this time; by this united strength they will be able to resist the secret and open attempts of its common enemies; but divided, they may become a prey to them. My protection shall be impartially dispensed to all my subjects, in the full enjoyment of their religious and civil rights; let it be your care, by your conduct, in your several stations, to make my endeavours for your common happiness effectual.

"My Lords and Gentlemen;

"It being necessary for me to visit my dominions in Germany again this year, I have resolved to appoint the queen regent here, during my absence. The experience you have already had of her just and prudent administration, will, I doubt not, engage you all, to make the weight of the public affairs as easy to her, as her wise conduct will render the government agreeable to you; and this I recommend to you in a particular manner."

Then the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 29th of July. It was afterwards farther prorogued to the 1st of February, 1737.

THIRD SESSION OF THE EIGHTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] February 1, 1737. The Parliament being met according to their last prorogation, a Message was brought by sir Charles Dalton, gentleman usher of the black rod, from the Lords authorized by his Majesty's commission, (viz. his royal highness Frederick prince of Wales, the Lord Chancellor, the Lord President of the Council, the Lord Steward of the Household, the Lord Chamberlain, the duke of Argyle, the duke of Richmond, the earl of Pembroke, the earl of Scarborough, and the earl of Islay,) desiring the immediate attendance of the Commons in the House of Peers, to hear the commission read; and Mr. Speaker, with the House, going up to the House of Peers, the Lord Chancellor spoke as follows:

"My Lords and Gentlemen;

"We are commanded by his Majesty to let you know, that as it is not convenient for his Majesty to be here this day in his royal person, he has been pleased by letters patent under the great-seal, to authorise his royal highness the prince of Wales, and several Lords therein mentioned, to do every thing in the name of his Majesty, which ought to be done on the part of his Majesty in this parliament, as may more fully appear by the letters-patent."

The Letters-patent being read, the Lord Chancellor, as one of the commissioners, read the following Speech to both Houses:

"My Lords and Gentlemen;

"In pursuance of the authority given us by his Majesty's commission, under the great seal, amongst other things, to declare the causes of his holding this parliament, we are, by his Majesty's command, in the first place, to observe to you, That his Majesty acquainted you last year, that he had, in conjunction with the States General, given his approbation of certain Preliminary Articles, concerted and agreed upon between the Emperor and France, for restoring the peace of Europe; and

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that a farther convention, concerning the execution of them, had been communicated to him by both those courts; and that negociations were carrying on by the several powers engaged in the late war, in order to settle the general pacification.

"We are now commanded by his Majesty to inform you, that the respective Acts of Cession being exchanged, and orders given for the evacuation and possession of the several countries and places, by the powers concerned, according to the allotment and disposition of the preliminary articles, the great work of re-establishing the general tranquillity is far advanced; however, it is his Majesty's opinion, that common prudence calls upon us to be very attentive to, and observe the final conclusion of this new settlement of such considerable parts of Europe. It is to be hoped, that a general lasting tranquillity will follow this restitution of peace, and that the renewal of friendship and alliances, for the preservation of it among the several princes and powers of Europe, will remove all dangers and apprehensions of any new troubles and disorders; but his Majesty apprehends, that an indolent security, and too great a disregard to future events, may occasion mischiefs more easy to be prevented, than to be remedied; and that it would be very unadviseable to leave ourselves in so defenceless a condition, as to encourage any enterprizes, which the enemies to the public peace may have vainly suggested and flattered themselves with the hopes of.

"Gentlemen of the House of Commons,

"His Majesty has ordered the proper officers to lay before you the Estimates for the service of the current year; as soon as the circumstances of the times would permit, his Majesty was pleased to make such a reduction of some part of the public expences for the ease of his people, as was consistent with the peace and safety of his kingdoms, the security of our commerce, and the honour and interest of the nation.

"My Lords and Gentlemen,

"His Majesty has been graciously pleased to direct us to acquaint you, that he hath seen with the greatest satisfaction the unwearied application of this parliament, in framing good laws for advancing the prosperity, and securing the welfare of his loving subjects; and that it hath been one of his Majesty's principal cares to enforce them by a due execution, with the strictest regard to the rights and properties of his people, no invasion whereof can with any colour be suggested by the most malicious enemies of the present establishment. Whilst this hath been our condition, his Majesty cannot but observe, that it must be matter of the utmost surprise and concern to every true lover of his country, to see the many contrivances and attempts carried on in various shapes, and in different parts of the nation, tumultuously to resist and obstruct the execution of the laws and to violate the peace of the kingdom. These disturbers of the public repose, conscious that the interest of his Majesty and his people are the same, and of the good harmony, which happily subsists between him and his parliament, have levelled their sedition against both; and in their late outrages,* have either directly opposed, or

* "In the summer of this year the spirit of tumult and rebellion was very busy at home; for the suppression of the pernicious practice of drinking spirituous liquors, was a matter of greater difficulty than had been foreseen, so universal it had become. No fewer than 7,044 houses and shops where those liquors were publicly sold by retail, were found within the limits of Westminster, Holborn, the Tower, and Finsbury division, exclusive of London and Southwark, besides a prodigious number of cellars and garrets where it was sold privately. The great vigilance of the government, however, prevented any dangerous commotions from breaking out; and some disturbances which happened amongst the lower ranks of people about Spital-fields, Shoreditch, and other outskirts of the city, were soon suppressed by the train-bands, assisted by a party of the horse guards from Whitehall. Some riots likewise happened in the West, occasioned by turnpikes, and some upon the commencement of the bill against spirituous liquors, not only in London, but in several parts of the country; but they were soon suppressed. But the most daring insult against the government was committed by one Nixon, a nonjuring clergyman. He seems to have been little better than a madman, for he conveyed into Westminster-hall a packet, inclosing some gunpowder with a lighted match, and five acts of parliament which had passed that session, viz. the gin act, the mortmain, the act for building Westminster bridge, the act against smugglers, and the act for borrowing 600,000*l.* upon the sinking fund. When the match came to the paper, an explosion followed, to the great amazement of all the courts: but the offender being discovered, he was tried and convicted for the same, and had a fine and imprisonment imposed upon him." Tindal.

"During the absence of the King at Hanover, where he remained till the beginning of January, the spirit of discontent and insurrection was busy at home; and various tumults

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at least endeavoured to render ineffectual some acts of the whole legislature. His Majesty in his great wisdom thinks it affords a melancholy prospect to consider to what height these audacious practices may rise, if not timely suppressed, and that it deserves no small attention, that they may go on to affect private persons in the quiet enjoyment of their property, as well as the general peace, and good order of the whole. His Majesty apprehends it to be unnecessary to enlarge upon a subject of this nature, and therefore hath commanded us barely to mention it to you, who, by the

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took place in the capital, and other parts of the kingdom. In the capital, these disturbances were occasioned by the weavers in Spitalfields, who took umbrage that the Irish were employed at an inferior rate of wages; and by the discontent of the populace, excited by the execution of the Gin act.

"These alarming riots, which were notoriously fomented by the disaffected, were scarcely suppressed, when a more atrocious outrage demanded the attention of government. One Wilson, a daring smuggler, was sentenced to be hanged at Edinburgh, for having robbed a collector of the revenue. This man, having abetted the escape of a fellow criminal, in the time of divine service, and from the midst of his guards, the magistrates of Edinburgh increased their usual precautions for the execution of the sentence, by ordering the officers of the train bands and the city guard, provided with arms and ammunition, to attend for the purpose of preventing his rescue. The procession passed along; the sentence was performed without the smallest appearance of riot, and the executioner was at the top of the ladder cutting down the body, when the magistrates retired. At this moment, the populace rushed forward towards the gallows, part forced their way through the guards, with intention, as was supposed, to carry off the body, under the hopes of recovering it. Others threw large stones, maimed several soldiers, and struck captain Porteous, who was so provoked at this outrage, that he ordered the soldiers to fire. Five were killed, and several wounded. Porteous was immediately apprehended, and tried, for having directed the soldiers to fire without the orders of the civil magistrate, and was condemned to death. But so many favourable circumstances appeared on his trial, that seven of the fifteen jurymen acquitted him, and the verdict which condemned him, acknowledged 'that he and his guards 'were attacked and beat with several stones 'of a considerable bigness, thrown by the 'multitude, whereby several of the soldiers 'were bruised and wounded.' In consequence of this ridiculous inconsistency in the verdict, and other favourable circumstances, the queen regent sent down a respite of six weeks, for the purpose of inquiring into the circumstances of the case.

"On the 3d, the reprieve was brought to Edinburgh, and on the 4th, vague reports were circulated, that the populace had resolved, on the evening of the 8th, to set fire to the prison, if Porteous was not executed on that day, according to his sentence. But the magistrates, on inquiry, could not discover any foundation for the report, and no precaution was taken to remove the prisoner into the castle. On Tuesday the 7th, about a quarter before ten at night, the magistrates had notice, that a few boys had seized the drum in the suburb of West Port, and beat it in the Grass Market within the city. About six minutes before ten, they sent to call out the guard immediately under arms; but a few minutes before the clock struck, a mob suddenly rushed in upon, and surprised the guards, drove them from the guard room, seized all their arms, being ninety firelocks in number, besides several Lochaber axes, and almost at the same time made themselves masters of the city gates. They then provided themselves with shot, by breaking open the shops where ammunition was sold, attacked the jail, drove out the provosts and magistrates, who attempted to disperse them, and wounded several of their attendants. They next set fire to the gate of the prison, and rushed into the wards, forced the turnkeys to open the doors, released all the prisoners, seized Porteous, and dragged him to the Grass Market, where they broke into a shop, took out a coil of ropes, and hung him upon a dyer's cross post, close to the common place of execution. Lindsay, member for the city, found means to escape from the town, and to convey information of the tumult to general Moyle, commander of the King's troops, who were quartered in the suburbs: but as he was obliged to make a large circuit, he did not reach the head quarters till near eleven. General Moyle had already collected his own troops, and sent for those who were quartered at Leith, but made no attempt to force the gate of the city, which was occupied by the armed populace. He persisted in refusing to act against the insurgents, on the faith of Lindsey's intelligence, without an order from the civil magistrate; and as he deemed it impossible to obtain an order from the magistrates in the city, he dispatched a messenger to Andrew Fletcher, lord justice clerk of Scotland, who was at his villa at the distance of above two miles and a half. Fletcher being in bed, no answer was procured until one o'clock, and by some mistake, it was then delivered not to the general, but to Lindsay. Meanwhile the execution of Porteous had taken place, the exertions of the military were rendered unnecessary, by the dispersion of the rioters, and in the morning, Edinburgh was in a state of perfect tranquillity.

"Lord Ilay was sent to Edinburgh, as the only person capable of bringing the offenders to justice. The accounts which he transmit-

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constant tenor of your conduct, have shewn that you consider the support of his government, as inseparable from the preservation of the public tranquillity and your own safety."

The Lords' Address of Thanks.] To this Speech, the Lords returned the following Address:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to approach your throne, with hearts full of that zeal and affection for your person and government, which become the most faithful subjects to the best of kings.

"Our duty and gratitude to your Majesty have, on many occasions of this nature, called upon us to lay at your royal feet our thankful acknowledgements for preserving to your own subjects the blessings of peace; and the additional motive of our unfeigned regard to the common interest of Europe, in which it is impossible for this nation to be unconcerned, make us now receive, with great satisfaction, your gracious communication, that the re-establishment of the general tranquillity is far advanced.

"How happy and secure soever your Majesty's wisdom, under the protection of the Divine Providence, may render these kingdoms, it was impossible for us to remain wholly unaffected with the miseries of war, suffered by other parts of Christendom: and we cannot but rejoice in the pleasing hopes, that all dangers and apprehensions of new troubles may be happily removed.

"At the same time, we esteem it a fresh instance of your Majesty's never-failing care of the public welfare, that you put us in mind to be attentive to the final conclusion of this great work. As your Majesty hath, on your part, distinguished your paternal tenderness for your people, in not permitting them to be hastily involved in the calamities of war; it would be the most unbecoming return for so great a benefit, to shew any signs of an indolent security: and we beseech your Majesty to accept the strongest and most affectionate assurances, that we can never entertain the least thought of leaving ourselves in a defenceless condition; but that we will always cheerfully concur in all such measures as shall be necessary to maintain the honour and safety of your Majesty and your government, and the true interest of your kingdoms.

"The gracious approbation which your Majesty is pleased to give of the conduct of this parliament, affords us great comfort and encouragement; and your vigilant care to execute the laws with justice and impartiality, and to protect the rights and properties of all your subjects, fills our minds with the most lasting impressions of thankfulness. Under this deep sense of our obligations to your Majesty, we cannot sufficiently express our detestation of those insolent riots and tumults, which have of late appeared in different parts of the kingdom, in defiance of the law, and violation of the public peace. Every part of the behaviour of these daring offenders appears to us as weak and unreasonable as it is wicked; except that they have considered the interests and views of your Majesty and your parliament, as being so closely united, that it was impossible to traduce or oppose the one, without including the other. Our duty, as well as our safety, makes it incumbent upon us to give another mark of this happy union, by testifying our humble concurrence in your Majesty's just opinion, that such audacious practices ought to be timely suppressed: and as we do, with the firmest confidence, rely on your Majesty's authority being prudently and vigorously exerted for this necessary end; so we assure your Majesty, with the greatest sincerity, that our endeavours and assistance shall never be wanting to support that authority, and to preserve the quiet and security of the nation."

The King's Answer.] To which Address his Majesty returned the following Answer:

"My Lords; I thank you for this duti-

ted to sir Robert Walpole, proved that a regular systematic plan had been formed with the utmost secrecy and order; that several made this infamous murder a point of conscience; and that one of the actors went to a country church, where the sacrament was given to a large number of people in the church-yard, and boasted of the share which he had taken in the transaction. He observed, that persons who affected sanctity, spoke of the murder as the hand of God doing justice, and reprobated all endeavours to bring the actors to condign punishment, as grievous persecution. He added also, that although several persons had been imprisoned, and large rewards offered, no discoveries had been made of the perpetrators or instigators of this atrocious act." Coxe's Walpole.

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ful and loyal Address. The affection you shew to my person and government, gives me the greatest satisfaction.—My principal care is to secure to my people the blessings of peace, and the full and undisturbed enjoyment of all their civil and religious rights, and to preserve the tranquillity and good order of the kingdom.—The continuance of the good harmony between me and my parliament, will enable me to pursue with effect these great and desirable ends."

The Commons' Address of Thanks.] The Address of the Commons was as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, return your Majesty our most humble Thanks for the Speech delivered by your Majesty's command to both Houses of Parliament.

"We see with great satisfaction, the happy prospect of the final conclusion of the general pacification of Europe, and when we remember your Majesty's unwearied endeavours to prevent this nation from being involved in the calamities of a destructive war, and your constant application in contributing to the utmost of your power towards the great work of restoring peace, from the tender care and concern which your Majesty has always shewn for the future peace and prosperity of your people as well as for the common welfare of mankind, we make no doubt, but that your Majesty will continue to cooperate with your good allies, that the conclusion of the peace may be attended with a general and lasting tranquillity.

"Duty and gratitude to your Majesty, and a due regard to our own interests and security will engage us not to neglect any necessary precautions, which may best conduce to enable your Majesty to disappoint and defeat all groundless hopes and expectations, which the deluded enemies of the public peace may have vainly suggested and flattered themselves with.

"And we beg leave to assure your Majesty, that we will cheerfully and effectually raise the supplies necessary for the service of the current year, and support your Majesty in all such measures as shall be found requisite to preserve the peace and safety of the kingdom, the security of our commerce, and the honour and interest of your Majesty and your dominions.

"Most gracious Sovereign,

"Your faithful Commons cannot without a just indignation observe the spirit of faction and sedition, which has lately manifested itself in traducing and misrepresenting the legislature, in contemning all authority, and in open defiance of the laws of the land.

"It is with the highest sense of duty and gratitude, we acknowledge your Majesty's goodness, not only in your ready concurrence to all such wholesome laws as have been from time to time prepared by your parliament, but in your constant care to enforce them by a due execution, with the strictest regard to the rights and properties of your people, and without the least colour or shadow of any design or attempt to stretch or violate the known laws of this realm.

"We cannot sufficiently express our abhorrence of the many wicked and detestable practices, which the disturbers of the public repose have secretly fomented and openly carried on in tumultuously resisting and obstructing the execution of the laws, and violating the peace of the kingdom.

"And we your faithful Commons do assure your Majesty, that being fully persuaded that the preservation of the public tranquillity, and our own safety, are inseparable from the security of your government, we will support your royal authority in suppressing and subduing all seditious and riotous attempts that threaten the very being of our happy constitution, and the utter subversion of those liberties, which have been made the specious pretence for committing those outrageous disorders."

The King's Answer.] The King returned the following Answer:

"His Majesty returns this House his thanks for their most dutiful and loyal Address, and shall always esteem their zeal and affection for his person and government, as the best and most acceptable return for his constant endeavour to render this nation happy and flourishing both at home and abroad. His Majesty relies upon the wisdom of his parliament, to frame such laws as shall be necessary to strengthen and support the authority of his government, in preserving the public tranquillity, and securing the rights and properties of his people; and his faithful Commons may depend upon him for a just and due execution of them."

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*Debate in the Lords concerning the late Riots.**] Feb. 10. The House of Lords according to order, resolved itself into a Committee of the whole House, for the taking his Majesty's Speech into consideration; upon which occasion, as there was not properly any formed debate upon any one point, we can only give the heads of some

* The following Letters taken from Coxe's Memoirs of Sir Robert Walpole, throw great light upon the subjects of this Debate:

THE DUKE OF NEWCASTLE TO HORACE WALPOLE.

Explosion of Gunpowder in Westminster-hall.

"Whitehall, July 16—27, 1736. Your excellency will see, by the minutes of the council which I send you inclosed, that her Majesty has been pleased to order a proclamation to be issued upon a very extraordinary insult that was committed on Wednesday last in Westminster hall, upon his Majesty's authority, the whole legislature, and the principal courts of justice in this kingdom; a particular relation of which the queen has ordered me to transmit to your excellency, to be laid before his Majesty.

"On Wednesday, between one and two in the afternoon, when all the courts of justice were sitting, and the judges on the bench, some gunpowder went off, which made such a noise, flame, and smoke, as created a great consternation in the hall. Upon which, at first, the business a little stopped in the respective courts; but they soon proceeded, till the inclosed seditious and treasonable paper was brought into the King's Bench by some of the officers of the court, who had picked up several of them in Westminster-hall, which appeared to have been scattered in the Hall by the force of the gunpowder, which was made up in the five acts of parliament mentioned in the paper. It is not yet known in what manner the gunpowder took fire; whether by a match that was of itself to set fire to it, or whether the fire was put to it by any particular person. There was a person seen with an iron in his hand, who probably was concerned in it, but in the hurry and confusion he made his escape without being seized.

"As soon as this infamous paper was brought into the court of King's Bench, lord Hardwicke stopped the business, and told them that there was an affair of much greater consequence than the common business of the court which required their attention. He then read the paper himself in open court, and expressed the highest resentment and detestation of such an insult on the king and whole legislature; which his lordship was of opinion came very near high treason. He directed an officer of the court to go to the grand jury of Middlesex, who were then sitting, with his orders to have the author and paper presented; which was accordingly done immediately, in the strongest manner, and I send your excellency inclosed a copy of the presentation. Lord Hardwicke took that occasion to go through the several acts of parliament mentioned in the paper, to shew the reasonableness and necessity of them; and in the strongest manner to direct the several justices of the peace and magistrates to inforce the execution of them, and to use their utmost endeavours to discover and bring to punishment the authors and contrivers of this wicked and abominable insult.

"As soon as ever I heard of it (which was quickly after it happened) I had her Majesty's orders to consult with my lord chancellor and my lord Hardwicke what might be proper to be done, to shew the resentment of the government, and for the discovering and punishing the offenders; and we agreed humbly to offer our opinion to her majesty, that a proclamation should be ordered in council, promising a very considerable and great reward for discovering the persons concerned in it, and inforcing the necessity of the execution of the laws in such a manner as may, for the future, deter any persons from such facts as these, and may prevent any ill-consequences, from this bold and wicked attempt to alienate and inflame the minds of his majesty's faithful subjects. And as no time was to be lost, the proclamation was yesterday ordered in council; and another council was held this day for the issuing it. I send you inclosed a copy of the proclamation, which will be published to-morrow in all the gazettes, and which her Majesty hopes will have the king's approbation.

"Being obliged to write to your excellency upon this subject, I cannot but beg leave to express my utmost abhorrence of this wicked and traiterous design, calculated to infuse the vilest and most unjust suggestions in the minds of his Majesty's subjects upon the wise and necessary proceedings of the legislature; and I beg his Majesty would be assured, that no care or attention shall be wanting on my part, to sift this affair to the bottom, and to bring the authors of it to that punishment they deserve. I have given Mr. Paxton search warrants for searching the printing shops of such persons as there is reason to suspect.

SIR ROBERT WALPOLE TO HORACE WALPOLE.

On the Explosion of Gunpowder.—Riots in Moorfields about employing Irishmen.

London, July 29—Aug. 9, 1736.

"DEAR BROTHER,

"The excuse for my long silence you will easily conclude to be principally owing to my absence in the country; and although I have been some days in town, the absence of the duke of Newcastle, upon account of the death of lady Lincoln, and most of the other lords being dispersed, has made it unnecessary to trouble you with any occurrences from hence, till the late disorders that have happened this week made it proper that his Majesty should be

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remarkable Speeches. The lord Delawar having taken the chair,

Lord *Carteret* stood up and spoke to the following effect;

My Lords; His Majesty in his Speech, delivered to us by commissioners, most justly took notice of the many Riots and Tumults that have lately happened in this kingdom; and as his Majesty most wisely thought it an affair of such consequence as to deserve being mentioned by him to his parliament, I expected that this House would have immediately resolved

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acquainted with the true state of what has happened. You will have been acquainted with the insolent affair at Westminster-hall, and the measures that have been taken thereupon. Since my coming to town, I have been endeavouring to trace out the authors and managers of that vile transaction, and there is no reason to doubt but the whole was projected and executed by a set of low Jacobites, who talked of setting fire to the gallery built for the marriage of the princess royal, by a preparation which they call a *phosphorus*, that takes fire from the air. Of this I have had an account from the same fellow that brought me these and many such sort of intelligencies. He has promised to give a more particular account, but declines giving evidence.

"At the same time there are great endeavours using by the same sort of instruments to inflame the people, and to raise great tumults upon Michaelmas-day, when the Gin-act takes place; and as these lower sorts of Jacobites appear at this time more busy than they have for a great while, they are very industrious, and taking advantage of every thing that offers, to raise tumult and disorder among the people. An instance of this has happened this week, in which they have undoubtedly mixed and promoted, although I am not of the opinion that they were the first authors and instruments of these riots and tumultuous mobs.

"On Monday night last, there was an appearance of numbers of people being assembled in a very disorderly manner at Shoreditch near Spittlefields. Their cry and complaint was of being under-worked and starved by the Irish: 'down with the Irish,' &c. But that night the numbers were not very great, and they dispersed of themselves without doing any mischief.

"It is necessary here to explain what is meant by this complaint against the Irish, which is founded upon greater numbers than ordinary, as is said, of Irish being here, and not only working at hay and corn harvest, as has been usual, but letting themselves out to all sort of labour considerably cheaper than the English labourers have; and numbers of them being employed by the weavers upon the like terms. This last particular, together with an incident that happened in those parts, is thought to have occasioned the scene being laid at that end of the town. They are building a new church at Shoreditch, where, I am told, the master workmen discharged at once a great number of all sorts of labourers, and took in at once Irishmen, who served for above a third less per day; and this I am at present, and as yet, of opinion, is the principal cause of the uneasiness that has stirred up the mob, or at least, I think, is the only cause that great numbers of them know any thing of.

"Upon this pretence the tumult began on Monday night. On Tuesday evening they assembled again in greater bodies, and were, about seven o'clock, thought to be above two thousand in number. They now grew more riotous; they attacked a public house kept by an Irishman, where the Irish resorted and victualled, broke down all the doors and windows, and quite gutted the house. Another house of the same sort underwent the same fate. By this time these places being without the jurisdiction of the city) the magistrates and deputy-lieutenants of the Tower Hamlets were assembled, to endeavour to disperse them. The proclamation was read; but the mob, wholly regardless of the proclamation, increased every minute, and were thought to be about four thousand strong. The magistrates, upon this, gave orders for raising the militia; and in the mean time the deputy lieutenants wrote to the commanding officers in the Tower, to send to their assistance such a number of the guards as they could spare; upon which an officer, with about fifty men, was sent by major White. Upon the appearance of the guards, the mob retired, shifted from one street and alley to another, and gave no resistance; and by break of day were all dispersed. All Wednesday, things remained very quiet, until the evening, when the mob rose again to as great a number; but the militia of the Tower Hamlets being then raised, marched against them; but the mob in the same manner retired before them whenever they came, and gave not the least resistance. The deputy lieutenants upon this wrote to the officers of the Tower that they did not want their assistance; and in this situation things remained all Wednesday night; the mob continuing together in great bodies until the approach of the militia, but as constantly running away upon sight of them, and so dispersed themselves before the morning.

"The deputy lieutenants were with me this morning, and desired no further orders than what had been already given, that the guards of the Tower might assist them if necessary. My lord mayor, sir John Williams, was likewise with me, and gave the strongest assurances of his zeal and resolution to discharge his duty, if the disorders spread in the city.

"I sent several persons both nights to mix with the mob, and to learn what their cry and

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upon taking that part of his Majesty's Speech into consideration; but as a motion for that purpose would have come more properly from some other lords, I delayed for some days taking notice of it, or making any motion for our taking that affair into our consideration. This, my Lords, was my reason for allowing some of the first days of the session to pass over, without taking the least notice of what his Majesty had so wisely and so necessarily mentioned in his Speech; but upon finding no step made towards it by any other lord, as I thought it an affair which

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true meaning was; and by all accounts the chief and original grievance is the affairs of the Irish, and so understood by the generality of the mob: but in several quarters, the gin act was cried out against; in some few, words of disaffection were thrown out; and one body of men, of about eighty, were led on by a fellow that declared for liberty and property. It is said that money was dispersed both nights, but that does not as yet appear to be certain. But although the complaint of the Irish was the first motive, the Jacobites are blending with it all other discontents, endeavouring to stir up the distillers and gin retailers, and to avail themselves of the spirit and fury of the people.

"P. S. July 30. I have now received an account of what passed last night. It was between ten and eleven before any number at all appeared in bodies; they did not amount to three hundred; they fled before the militia from place to place without any resistance, or doing any mischief but defacing one weaver's house, who, they said, had employed Irish journeymen. I believe there is now an end of this bustle, and so I hope will all attempts end to disturb the peace of his majesty's government."

THE DUKE OF NEWCASTLE TO THE EARL OF WALDEGRAVE.

Riot in Spitalfields.

"Whitehall, August 5, (16,) 1736. As your excellency will have seen by the news-papers that there have been some tumultuous meetings of the mob, some nights last week, in the neighbourhood of Spitalfields, I thought you would not dislike to have a particular and true account of it. It has been customary, for some years past, for numbers of Irishmen to come over to England, to work in the harvest; and some of these people having, from time to time, been employed as journeymen by the master weavers and other artificers in Spitalfields and the adjacent parts, and having hired themselves for that purpose at lower rates than are usually given to journeymen in England, many of the poorer sort of people, (who by this means found that they should either want employment, or be obliged to work for less wages than they were used to do,) on the 27th past, gathered together in a tumultuous manner, and attacked a public-house in Spitalfields, where the Irishmen used to resort and to eat, the windows and doors of which they broke, and drove the inhabitants out of it; and the same night they also attacked another house in the like manner and upon the same account.

"The magistrates immediately assembled together, and gave directions for raising the militia; but as it would require some time before they could get ready to march, they applied for the assistance of a party of the Tower guard; and the commanding officer accordingly sent out a small detachment, at the first appearance of which the mob immediately dispersed, and were quiet for that night. During this whole disturbance the cry of the mob was against the Irish, and no mark of disaffection to the government appeared. However, as it was thought necessary that the earliest and most effectual care should be taken for putting a stop to these riotous proceedings, the number of the Tower guard was increased, and small parties of them and the militia patroled for some nights in those parts where the disturbances had happened. This had so good an effect, that (except on Friday the 30th past, when the mob attempted to gather together again, but were immediately dispersed, and some of the rioters secured, who have been since committed to Newgate) every thing has been perfectly quiet. The militia is now discharged, and for several nights past there has been no patrole in the streets, nor any appearance of the least attempt to make any further disturbance."

SIR ROBERT WALPOLE TO HORACE WALPOLE.

On the Riots occasioned by the Gin Act.

"DEAR BROTHER,

"I have forborne troubling you with the various surmises and apprehensions which of late at different times have filled the town with different fears and expectations concerning the first and immediate consequences that might attend the commencement of the Gin act, because it was difficult at some times to form any probable opinion of what might happen; and at other times, and especially lately, it appeared a great deal more reasonable that there would not be any trouble or disorder at all; until about the middle of last week, I then began to receive again accounts from all quarters of the town that the Jacobites were busy and industrious in endeavouring to stir up the common people, and make an advantage of the universal clamour that prevailed among the populace at the approaching expiration of this darling vice. The scheme that was laid was, for all the distillers that were able, to give away gratis, to all that should ask for it, as much Gin and strong waters as they should desire,

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ought not to be delayed, I took the liberty to move your lordships for the committee you are now in; and as I moved for your going into this Committee, I think it incumbent upon me now to explain what I meant or intended by my motion.

Though none of the Riots or Tumults that have lately happened in this kingdom, seem to have been aimed directly against the government, yet, my Lords, it must be granted, that no such thing can happen in any country, in which the government is not in some way concerned; for as the peace and quiet of the people are disturbed by such tumultuous assemblies, and as it is the business of every government to preserve the peace and quiet of the people, therefore wherever any such thing happens, the government ought to look upon itself as deeply concerned; and if we consider what mighty consequences have arisen from very small beginnings, if we consider how often governments have been overturned by tumults which at first seemed insignificant, which seemed no way intended for any such end, we must conclude, that not only our government, but our present establishment, and even our happy constitution, are concerned in the riots which have lately happened in several parts of this kingdom. For this reason, it is the duty of this House, as being the King's chief council, not to let such riots and tumults pass over unobserved, but to enquire narrowly into them, in order to discover their true causes, and to provide an effectual and a legal remedy; for if the law should lose its force, if it should become necessary upon all occasions to make use of a military force for preserving the peace of the kingdom, our constitution would be at an end, we could not then be said to be under a civil but a military government.

Of all the late tumults, the first I shall take notice of are those which have happened in the west on account of the turnpikes. Why turnpikes should occasion disturbances in that part of the country more than in any other, is what I shall not, at present, pretend to account for; but these disturbances were such, it seems, that for quelling them it became necessary to employ a military force, which I am very much surprized at, considering the severe law your lordships passed some time since against those who should be concerned in any such. To me it is amazing to see that the civil power, armed with such a severe law, should not be able to prevent, as well as to quell any such tumult, without the assistance of the gentlemen of our army; and therefore I am

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and the great distillers were to supply all the retailers and small shops with as much as they should want to be distributed and given away in like manner. The shops were to begin to be opened on Tuesday evening, the eve of Michaelmas-day, and to be continued and repeated on Wednesday night, that the mob, being made thus drunk, might be prepared and ready to commit any sort of mischief; and in order to this, anonymous letters were sent to the distillers and town retailers in all parts of the town, to instruct them, and incite them to rise and join their friends, and do as their neighbours did. Four of these letters have fallen into my hands, which the persons to whom they were directed discovered and brought to us: and by the excise officers that go round the town I am informed that letters to the same purpose were dropt, and" [Illegible, probably directed] "to most of the distillers in all quarters. Those we have seen differ very little from each other in the tenour and substance, and the strong criminal expressions are in all the same, only transposed. In such as were less formal, and not so laboured, the word was given sir Robert and sir Joseph [Jekyll]. Upon the information, the queen was pleased to give such orders to the guards as you will have had an account of, which have had the designed effect, and in the opinion of all mankind are thought to have prevented the greatest mischief and disorders that have of late been known or heard of, at least we have the satisfaction to have our measures universally applauded.

"I must beg leave to say, there have been infinite care taken to observe and watch all their motions for above a month past; and upon the turn that the Spitalfields riots took, I think I may affirm, that the whole spirit was at once dashed and seemed to have been totally laid aside; but upon the contrary success at Edinburgh, the fire kindled anew, and nothing less than such vigorous measures could have prevented the evil, which I hope now is put an end to. But the murmuring and complaints of the common people, for want of Gin, and the great sufferings and loss of the dealers in spirituous liquors in general, have created such uneasiness, that they well deserve a great deal of attention and consideration. And I am not without my apprehensions, that a non-observance of the law in some may create great trouble; and a sullen acquiescence and present submission in others, in hopes of gaining redress by parliament, may lay the foundation of very riotous and mobbish applications when we next meet.

"October 1st. That last night is likewise past over in perfect quiet, although the patroles in the streets were taken off.

"London, Sept. 30—Oct. 11, 1736."

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apt to suspect those tumults proceeded, not from any want of power in the civil magistrate, but from some other cause, perhaps from some real injustice or oppression brought upon poor people by means of those turnpikes. The people seldom or ever assemble in any riotous or tumultuous manner unless when they are oppressed, or at least imagine they are oppressed. If the people should be mistaken, and imagine they are oppressed when they are not, it is the duty of the next magistrate to endeavour first to correct their mistake by fair means and just reasoning. In common humanity he is obliged to take this method, before he has recourse to such methods as may bring death and destruction upon a great number of his fellow countrymen, and this method will generally prevail where they have not met with any real oppression: but when this happens to be the case, it cannot be expected they will give ear to their oppressor, nor can the severest laws, nor the most rigorous execution of those laws, always prevent the people's becoming tumultuous; you may shoot them, you may hang them, but, till the oppression is removed or alleviated, they will never be quiet, till the greatest part of them are destroyed. This is the chief reason and the chief end of all parliamentary enquiries, and this ought to be our chief view in the enquiry we are now going upon. If we find any injustice has been done, if we find any of those tumults have proceeded from oppression, the only way to prevent such tumults in time to come, will be to remove that oppression, and to punish severely every one of those who have been guilty of it. This is the only human method of preventing riots or tumults; for I hope none of your lordships are of opinion, that any more severe or any larger powers ought to be granted by law: you have already, by a late law, made it death without benefit of clergy, to be concerned in riotously breaking down any turnpike: you cannot, by any maxims of government hitherto pursued in this kingdom, inflict any severer punishment; and I hope you will not, under pretence that the civil magistrate is not able to execute this law, agree to the erecting a barrack at every turnpike, in order that the civil magistrate may have it in his power to shoot every man who presumes to make his escape from that punishment which is provided for him by law.

As for those Tumults which happened in Spitalfields, and that neighbourhood, the government was, I think, my Lords, as little concerned in them, as ever it can be in any such; they proceeded entirely from an accidental quarrel that had happened between the English and Irish labourers; and they might have been quelled, and the ringleaders punished, even though we had not had a regiment of regular troops in the kingdom. Then with respect to that most ridiculous affair that happened in Westminster-hall, it was, it is true, a most daring insult both upon the government and the courts of justice: but I do not think it can be called either a riot or a tumult. There was, I believe, but one person actually concerned in it, and but very few privy to it; and as it answered no end, nor could proceed from any sudden passion or resentment, I must think none but mad men could have any hand in it. If we consider the place where, and the person before whom this ridiculous insult was committed, we must conclude that no man in his right senses would have been guilty of it, or would have so much as thought of any such impudent and foolish contrivance; for the noble lord who presided in that court, has, I am sure, gained the affection and esteem of every man of sense in the kingdom. He is a magistrate of great power; but, my Lords, great as it is, his authority is equal to his power; for power and authority we must always look as two things of a very different nature; power, the legislature may give, but authority it can give no man. Authority may be acquired by wisdom, by prudence, by good conduct and a virtuous behaviour, but it can be granted by no king, by no potentate upon earth. A man's power depends upon the post or station he is in, but his authority can depend upon nothing but the character he acquires among mankind; and the more power a fool or knave is vested with, the more he will be despised, the more generally will he be loaded with hatred and reproach.

The Riots and Tumults which proceed from Smuggling are, my Lords, of an old standing, and of a very different nature; but they are of late become so frequent, and the smugglers are become so numerous and so audacious, that they deserve our closest attention. I am afraid some extraordinary methods must be made use of for suppressing them; but the only way of contriving an effectual method for that purpose will be, to enquire into their causes, and to take such measures as may be proper for removing those causes; for in the body political, as in the body natural,

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while the cause remains, it is impossible to remove the distemper. Severe laws against smuggling, and the most rigorous, the most arbitrary execution of those laws, we know by the example of a neighbouring kingdom, will never prevail: by such methods we may irritate, we may destroy the subject, and at last perhaps bring on a distemper of a much more dangerous nature; and I am afraid the law passed last year for preventing smuggling, will be found to be a remedy of such a nature. If that law had been passed in that form and shape, in which it was once put by this House, it would not, in my opinion, have been so extraordinary, nor so dangerous; and, I believe it would have been much more effectual. We were told by the best lawyers in England, that by that law, as it was first brought in, and afterwards passed, no judge in England could know how to direct a jury; and after they had told us so, I must think it was a little odd to turn it out of that shape we had put it into by their advice, and pass it in that very shape, in which they told us it could have no effect.

Upon this occasion, I must observe, my Lords, that even that wicked, that atrocious riot and murder committed at Edinburgh, proceeded originally from smuggling; for it was the execution of a smuggler, that occasioned all that disorder and wickedness which afterwards ensued. That tumult and the murder they committed, was, indeed, one of the most extraordinary, that ever happened in any country, and it was, I think, one of the greatest indignities, that ever was put upon an established government. For this reason, it highly deserves our attention, and we ought to look upon it as the more dangerous, and the more to be taken notice of, because it was carried on with a sort of decency and order, for as Germanicus observed of a mutiny among the Roman soldiers, it was the more to be dreaded, because it seemed to be attended with no disorder or confusion. I am sorry to hear the government has not yet been able to discover, or at least to apprehend, any of the persons guilty of that barbarous murder; for where such persons were concerned, many of their names may surely be discovered, and if they are fled from justice, fly where they will, they ought to be brought back and punished: by our own power, we may bring them back from our plantations, and by our interest we may be able to bring them back from any foreign country; for no state in Europe will protect such cruel murderers: a foreign state may perhaps, for political reasons, give shelter to the rebels of a neighbouring country, but I cannot think any state will refuse to give up such criminals, when a proper application is made to them for that purpose. The names of the murderers must be all known in the city of Edinburgh, at least the names of such as have absconded or fled on that account, and if the citizens refuse to give an account of their names, there may be methods found for compelling them: they may be threatened with removing the courts of justice, as was done in the late queen's time, when the tumult happened there, which occasioned the execution of captain Green. Upon that occasion her Majesty, by the advice of her council here, wrote a letter to the privy council of Scotland, ordering them to signify to the magistrates of Edinburgh, that, in case any such tumult ever happened again, the courts of justice should all be removed from that city; from whence I must conclude, that the King has a power to remove them; for if our King had no such power I am sure no such thing would have been threatened by so wise an administration, as we had then the happiness to have at the head of our affairs.

But, my Lords, if the citizens of Edinburgh should obstinately protect or conceal those murderers, there are cases in which a city may forfeit her charter, and become as it was *in Misericordia Regis*, with respect to her whole liberties and franchises. The city of Cambridge was declared by parliament in the reign of Richard II. to have forfeited all her liberties, on account of an insult committed by the citizens upon the University; in consequence of which, many of their privileges were taken from them, and granted to the University; from hence we may see, that a city may forfeit her privileges, and I do not know but the city of Edinburgh has already done so; for if it should appear, that the citizens had been generally concerned in that riot and murder, if they should protect or conceal the murderers, or if the magistrates of that city had either through fear or design connived at the murder, they might be justly deemed to have forfeited their charter; and in such a case, I do not know but it may be thought proper to divest them of some of their privileges, by way of punishment, and as an example for other cities in time to come.

For this reason, I think, my Lords, we ought to make a particular enquiry into that

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affair and into the conduct of the magistrates upon that occasion; and this enquiry is the more necessary, because it does not seem, that any full discovery has yet been made of the authors of that riot. This I hope may be obtained by virtue of the power and authority of parliament; and when we have discovered the authors, we may take such measures as shall be thought most proper for bringing them to condign punishment. As this tumult at Edinburgh was of the most heinous nature, and as a very high indignity was by those rioters put upon the crown itself, we ought, in my opinion, to begin with it; but let us begin where we will, it is incumbent upon us to make some enquiry into that and the other riots which have lately happened; for after his Majesty has in his speech expressly mentioned and complained of those riots and tumults, it would look very odd in this House to take no notice of them, nor make any attempt for punishing the authors of those that are passed, as well as endeavouring to prevent any such for the future. Such a neglect would show a very great disrespect and a disregard for the honour and interest of our sovereign, which I am sure every one of your lordships will endeavour to avoid, as much as I can. I shall not at present take upon me to make you any motion, because I think it will come better from those who have the honour to be employed in the administration; and I hope some of them will stand up and move for some sort of enquiry into that affair, or make some motion tending to that purpose.

For my own part, my Lords, in taking notice of the affair in the manner I have already done, I have done my duty as a lord of this House; and if nothing farther should be done, I shall from what I have said, have at least this advantage, that if I should find myself obliged to oppose any methods that may hereafter be proposed, for preventing such riots in time to come, which may very probably be the case, I hope it will not be thrown in my teeth, that I am a favourer and an encourager of such riots; for, from what I have now said, the contrary will appear: It appears, I believe, that I am as great an enemy to riots as any man: I am sorry to see them so frequent as they are; but I shall never be for sacrificing the liberties of the people, in order to prevent their engaging in any riotous proceedings; because I am sure it may be done by a much more gentle and less expensive method. A wise and a prudent conduct, and a constant pursuit of upright and just measures, will establish the authority as well as the power of the government; and where authority is joined with power, the people will never be tumultuous; but I must observe, and I do it without a design of offending any person, that ever since I came into the world, I never saw an administration that had, in my opinion, so much power or so little authority. I hope some methods will be taken for establishing among the people in general that respect and esteem, which they ought to have for their governors, and which every administration ought to endeavour, as much as possible, to acquire: I hope proper methods will be taken for restoring to the laws of this kingdom their ancient authority; for if that is not done, if the lord chief justice's warrant is not of itself of so much authority, as that it may be executed by his tipstaff in any county of England, without any other assistance than what is provided by the law, it cannot be said that we are governed by law, or by the civil magistrate: If regular troops should once become necessary for executing the laws upon every occasion, it could not then be said, that we were governed by the civil power, but by the military sword, which is a sort of government I am sure none of your lordships would desire ever to see established in this kingdom.

The Duke of Newcastle spoke next, and after him,

The Lord *Hardwicke*, in substance as follows:

My Lords; I agree with the noble lord, that it is both proper and necessary for this House to take some notice of the many riots and tumults that have lately happened in this kingdom. In duty to our country, we are obliged to enquire into their original causes, and to contrive, if possible, some effectual means for preventing the like in time to come; and as his Majesty has been so good as to mention them in his speech to his parliament, we are from thence bound in duty to our sovereign, to take notice of what has been so strongly recommended by him; therefore I make no doubt but a motion would have been made for that purpose by some of those concerned in the administration, if they had not been prevented by the noble lord who spoke first; and as his lordship was pleased to move for our going into this committee so very early in the session, I am sure he cannot complain, that the affair was either neglected or too long post-

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poned, by those whose proper business it was to take notice of it. That some sort of enquiry ought to be made into those riots, I therefore presume to be the opinion of every lord in this House; but as they have been of late not only very frequent, but so general, that they have in some manner spread over the whole kingdom, I must think the enquiry ought to be as general as the grievance complained of is general; for surely whatever remedy may be proposed, whatever method may be contrived for preventing such riots in time to come, that remedy, or that method must be general, and therefore the enquiry ought to be general: A particular enquiry into the causes of any one riot, can never point out to us the causes of any other, nor can it communicate to us any knowledge or information, which can be of use to us in contriving a general regulation. Besides, a particular enquiry into every one of the riots that has lately happened, would take up so much time, that it would be impossible for this House to go through it in one session, were the session to continue from one end of the year to the other; and as none but persons of the lowest rank had been concerned in any one riot that has happened, it is below the diguity of parliament, to enquire particularly into them. For these reasons, I think a general enquiry is the most proper, and indeed the only one we can go through with; and if the noble lord will be pleased to move for any such enquiry, as I seconded his motion for our going into this committee, I shall likewise very readily second his motion for that enquiry.

As for the real causes of the several tumults that have happened, they will best appear when we come to examine into them; but, my Lords, I am already very apt to believe that all the tumults that have lately happened, proceed from one and the same cause: I believe they proceed from a want of power in the civil magistrate to prevent or punish, and a too great liberty in others to mislead the people, and to stir them up to riot and disorder. The people, it is true, seldom grow mutinous, but when they are, or think they are oppressed; but as the people are always jealous of those in power, and mighty apt to believe every piece of scandal or reproach that is thrown upon them, it is very easy for those who are prompted by their malice or revenge, to make the people believe they are oppressed, when there is not the least ground for any such insinuation; and while the civil magistrate has not a sufficient power to put a stop to such insinuations, or to punish the fomenters of sedition, it will be impossible to prevent riots, especially, if the people should imagine, or be made to believe, that he had not a power to punish them for any such riot. This I take to be the principal cause of all our late tumults, this I believe will plainly appear upon a general enquiry, and when it does appear, it will be easy for the legislature to supply that defect in the power of the civil magistrate, and to restrain that liberty, which the sowers of sedition have lately made so great and so wicked a use of.

Whatever general pretences of oppression have been made by those who have private ends to serve by doing so, I have never yet heard of any particular man, who could with justice complain of his being oppressed; nor can it be so much as alledged, I believe, that any particular oppression gave occasion to any one of the riots that have happened. Those tumults in the West, were occasioned by the setting up of turnpikes, at places where all the gentlemen in the country, where the legislature itself, thought they were necessary; but no turnpike can be set up, nor any public regulation made, which will not be inconsistent with the private interest of some persons, and if such persons think they may, they certainly will destroy that which is inconsistent with their private interest.—The riots in Spittle-fields were so far from proceeding from oppression in any magistrate, that they proceeded from that which often occasions oppression, I mean the unlawful and unjust combination of journeymen and labourers, to keep up or enhance their wages.—The atrocious riot and cruel murder in the city of Edinburgh, proceeded from the Crown's reprieving a man, upon a representation signed by a great number of noblemen and gentlemen, that the man was unjustly condemned, or at least that the sentence was too rigorous; and this reprieve was only for a few weeks, that the Crown might have time to enquire narrowly into the case, and to pardon or punish, according as the circumstances should appear.—Then as to that affair in Westminster-hall, I am sorry, my lords, to hear it so slightly passed over; your lordships may call it a riot, tumult, insult, or what you please; but it was certainly one of the most audacious affronts that was ever offered to an established government; and could not, I am sure, proceed from any oppression, unless

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the acts of the whole legislative power of the kingdom are to be called oppression. The other riots seemed to point only at private men; but that riot or insult was levelled directly against the government, nay, not only against the government, but against our present happy establishment. I do not mean, my Lords, the powder or rockets then blown up; for I do not believe the persons guilty, call them madmen, or what you will, had a design to blow up the Hall, or to hurt any person that was in it; but I mean the scandalous and seditious libels spread about in the Hall by the explosion, and afterwards dispersed through every part of this great city. Those libels not only reflected in the most scandalous manner upon several acts of Parliament, but, by insinuation, denied his Majesty's right to the Crown, and in some manner, asserted the right of the Pretender. What might have been the aim of the authors of this insult, or whether they had any aim, I shall not now enquire; but it is certain, if they had not been discovered, and as severely punished, as the lenity of our laws, and the mercifulness of our present government would admit of, their insult would at least have answered this end, that it would have given people a mean opinion of our government, and might have given rise to seditious attempts, of a much more dangerous nature.

I am surprized, my Lords, to hear it said, that if the military force should now and then, upon extraordinary occasions, be called to the assistance of the civil magistrate, we should, upon that account, become subject to the military sword, or that our government should, by such means, become a military government. I hope it will be allowed, our soldiers are the king's subjects, as well as other men; and it is well known that most of our magistrates, especially those concerned in the execution of the law, have a power to call any of the king's subjects they can see, to their assistance, for preserving the peace, or for enabling them to execute any of the king's writs; and in case of any such call, we likewise know, that every one of the king's subjects, so called, is obliged to obey; if they do not, they are guilty of a misdemeanor, for which they may be indicted, and for which they may, by express statute, be fined and imprisoned: why then may not a civil magistrate call the soldiers to his assistance as well as other men? For my part, I can see no difference it can make, with respect to our form of government, and I am sure, with respect to the end or intention of calling any man to his assistance, it will be much better answered, and with more safety to the subject in general, by his calling the king's soldiers to his assistance, than by calling any other of the king's subjects: therefore, while the king's troops act under the direction of the civil magistrate, and as his assistants only, we shall be as much under a civil government as if we had no such troops; the only difference is, that with the few troops we have, the laws may be put in execution, and smugglers, thieves, highwaymen, and such like rogues, apprehended and brought to condign punishment, without risquing the lives of his Majesty's industrious subjects, or calling them away from their usual employments.

From what I have said, my Lords, I think it will appear, that we ought not only to have regular troops, but that they ought to be employed by, and at the command of the civil magistrate; and experience has shewn us, that they often become necessary for preserving the peace of the kingdom, and the lives of innocent subjects. In those tumults which happened in the West about turnpikes, it became necessary to employ a military force, in order to preserve the life of a magistrate who was threatened by the mob, for no other reason, but because he had been diligent in putting the laws in execution. In another corner of the same county, (Cornwall) a fellow took it in his head to keep possession of another man's estate by violence, and in spite of the laws of the kingdom; for this purpose he provided himself with several confederates, as wicked and as foolish as himself, and with proper arms for opposing all the power he thought could be sent against him: the sheriff of the county, assisted by the county, went to execute the king's writ against him; but, instead of submitting, he fired upon them, killed some of the sheriff's assistants, and obliged them to retire. Was it not then proper, was it not necessary to call the king's troops to the assistance of the sheriff? They were called, and, without the spilling of any more innocent blood, the laws were put in execution, the owner got possession of his estate, and the criminal who dared to oppose the law was hanged. Even but last summer, it was highly probable that great tumults would have been raised against the law, for preventing the retail of spirituous liquors; for great threatenings had been made, and some had publicly declared they

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would not give obedience to it; but by the prudent measures that were taken, and by shewing that the king's troops would be employed against those who should dare to oppose the law, all those threats ended in a few tricks to evade the law, which I hope will be soon got the better of, by the care and diligence of the commissioners of excise. These few examples shew, that a military force becomes sometimes absolutely necessary for putting the laws in execution; and if it were not for the few regular troops we have, riots would be more frequent than they are, and much more dangerous; as will, I believe, appear by a general enquiry into the riots that have lately happened; therefore I shall heartily agree in any motion tending to the bringing on of such an enquiry.

The Lord *Bathurst* rose and said:

My Lords; It must be confessed, that riots and tumults have of late been not only very frequent, but very general in this kingdom, and therefore it may be, I think, justly concluded that there is some general cause, some general error, which makes our people so generally uneasy; but I am very far from thinking, that general cause proceeds from any want of power in the civil magistrate, or from too great a liberty in the people. There is no country in the world where there are severer laws against riots, or where there are greater powers given to the civil magistrate for preventing or quelling them. The civil magistrate has now greater powers, and our laws against riots are more severe, than ever were known to our ancestors; and therefore I am apt to suspect that most of our late riots have proceeded from that general cause from which almost all tumults proceed, I mean, from the unjust and oppressive conduct, or from the supine negligence and indolence of those who are entrusted with the execution of our laws.

When the people are made uneasy by the oppressions of those entrusted with power, or when wicked and evil-disposed persons are allowed to become seditious or licentious by the neglect of the civil magistrate, the parliament ought to interpose. If it does not, tumults must of course ensue, and those tumults may at last produce most extraordinary events. Let us examine our own history, and we shall find, most of those tumults or riots we have any account of, proceeded from the oppression of those entrusted with power, and a neglect to remove that oppression, or to punish the oppressors. The famous insurrection under Wat Tyler, (in the minority of Rich. 2,) we are expressly told by our historians, at first proceeded from a heavy tax then imposed, the great powers granted for levying that tax, and the oppressive use made of those powers by the tax-gatherers. But, as oppression seldom appears in one shape only, as a general discontent always arises from several causes, so at that time the people had several reasons for being dissatisfied: they complained that their foreign enemies were allowed to ravage and plunder them with impunity, and that their domestic enemies, the lawyers, ruined them with vexatious suits and extorsive fees; and they were not only oppressed by the collectors of the public revenue, but likewise by the nobility and lords of manors, who, by the great powers and privileges they enjoyed, kept the people in a sort of slavery. This last sort of oppression, indeed, we now seem to be in no danger of; for our nobility seem to have very little power left in their hands; but with respect to the other grievances, we do not know but the people may now have reason to complain of something like them, and if they have, those causes of complaint ought to be enquired into by parliament, and removed as soon as possible.

Upon such occasions, my Lords, it is not sufficient to quell the riot, it is not sufficient to punish the rioters, or to make severe laws for punishing all such for the future: the government, by good luck, got the better of that insurrection under Wat Tyler, and of all the other tumults that happened about that time, and great care was taken to punish the rioters with the utmost severity; but no proper care was taken to remove the causes of those riots, or to punish the oppressors of the people. What was the consequence? The discontents of the people continued, and though, by the severity that had been used, they were for some time frightened from being guilty of any new riot or tumult, yet at last they gathered into a regular army, and, under the conduct of the duke of Gloucester, defeated the king's forces, banished, beheaded, or hanged all his favourites, and among the rest, sir Robert Tresilian (who had been one of the most rigorous in prosecuting and punishing the rioters, and who, it is said, never wanted reasons to countenance whatever he found was agreeable to the king) was accused of high treason, impeached and condemned by the parliament, and

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soon after hanged at Tyburn, This appeased the minds of the people for some time, but as that unfortunate king soon returned to his former courses, and disregarded the complaints of the people, riots and tumults continued during his whole reign, and at last paved the way for Henry 4th's ascending the throne.

Now, my Lords, as riots and tumults generally proceed from oppression, or from neglect in the civil magistrate, and as both the oppression and the neglect of the civil magistrate may appear in various shapes, and may be very different in one case from what is in another, when several riots have happened, at different times, and in different parts of the country, it is impossible to discover the true cause of any of them by a general inquiry, nor will a particular enquiry into the cause of one discover the true cause of another. I shall not at present tax the magistrates at Edinburgh, or those in the West, or in any other part of the kingdom, either with oppression or neglect; but if any of them have been guilty of either, can that oppression or neglect be discovered by a general enquiry? Or will an inquiry into the riot at Edinburgh, and the conduct of the magistrates there, discover to us, whether any of the magistrates in the West of England or in any other part of the kingdom, have been guilty of oppression or neglect? The thing appears at first sight impossible, and therefore there is no way of answering the intention of his Majesty's speech, or indeed our own duty as members of this House, but by a particular enquiry into every one of the riots that have happened, or at least into some of the most considerable of them; cost what it will, take up what time it will, it must be gone about, and the sooner we begin, the greater regard we shew both to our king and our country. I cannot really comprehend what is meant by a general enquiry: in my opinion, it can mean nothing but an enquiry into our laws relating to riots, and the sowers of sedition; for if you proceed to enquire into the particular circumstances and facts of all, or any one riot that has happened, your enquiry must become particular; and if you do not enquire into circumstances and facts, if you enquire only into our laws, you cannot discover the original cause of any one riot that has happened.

If your lordships have a mind to go upon an enquiry into our laws relating to riots, and the sowers of sedition, I shall be far from being against any motion for that purpose; because it will from thence appear, that our laws against riots are already as severe as they can be made, in a country where no racks or tortures can be admitted; and it will likewise appear, that our laws against those who stir the people up to sedition, are as severe as they can, or ought to be made in a free country. The general method of stirring the people up to sedition, is by spreading false and seditious libels or reports against their magistrates, and every one knows how easy it is to prosecute the authors of such, and how severely they are punished by the laws of this kingdom. Indeed the method of trial, which is by a jury, and the principal part of the punishment, which is by pillory, make it necessary for our magistrates of all degress, to court the esteem and affections of the people; for in case of any general discontent against any one magistrate, a jury will but seldom bring in a verdict in his favour, and when he does recover a verdict, the principal part of the punishment is evaded, by the favour of the mob or populace. I hope, my Lords, we have no such magistrates at present; at least if we have, I am sure their conduct ought to be enquired into; and if we have no such magistrates, we cannot suppose that any of our late riots were occasioned by the spreading of false and seditious libels or reports; because if they had, the authors of such libels or reports would certainly have been prosecuted, and would as certainly have met with condign punishment, by the laws as they now stand; unless we suppose that some of our magistrates have been deficient in their duty, which is a crime that ought to be punished, or at least censured, but it is a crime that can be discovered only by a particular enquiry into the circumstances of each riot; it can never be discovered by any general enquiry.

We have not, it is true, my Lords, yet heard that a man of any figure was concerned in any of the riots that have happened; I hope no such thing will ever appear; but in such cases we are not to regard the rank or the quality of the persons concerned. A tumult of the very lowest rank of people may, if neglected, become very considerable, and generally produces the most fatal and the most cruel consequences. The tumult under Wat Tyler, consisted of persons of the lowest rank only, and was at first inconsiderable, yet in a few days he got himself at the head of

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near 100,000 men, seized upon, and ransacked the city of London, obliged the Tower to surrender, though it was then garrisoned with 12,000 men, burnt many palaces and fine houses, put to death many noblemen and gentlemen, and would probably have put the king himself to death, and entirely overturned our government, if a very remarkable sort of providence had not intervened. Do not we know that many governments have been overturned, even the government of the great Turkish empire was but lately overturned by a tumult, in which none but the very lowest sort of people were at first concerned. The chief end of a parliamentary enquiry is not to discover, or to punish the persons concerned in any tumult; it is the conduct of the magistrates where such tumults have happened, that we are principally to enquire into; and if upon such enquiry it should appear that the tumult was occasioned by any oppressive or imprudent behaviour, or by any neglect or cowardice in them, we ought to remove, to censure, or to punish such magistrates according to the heinousness of their crime. Such an enquiry, and such an issue of an enquiry, will satisfy the people, it will remove the cause of tumults, and consequently will prevent them for the future; whereas if we employ ourselves solely in discovering and punishing the rioters, we do not remove but increase the cause of tumults; we shall render the people more discontented than they were; the severity of the punishment may sear up the wound for a time, but, my Lords, it will not be healed, it will fester, and endanger the total dissolution of the political body.

My Lords, whatever the opinion of other lords may be, I shall always be of opinion, that there is a very great difference between a magistrate's being assisted in the execution of his office by the posse of the county, and his being assisted by a body of regular troops. In the first case, the magistrate is assisted by the people only, and the people, notwithstanding the obligation they are by law under to answer his call, will never assist him in oppressing the people. If they refuse, they know they must be tried by their country, and they know their country will never condemn them for refusing to assist in oppressing their country. But with respect to our army, as it is now regulated by the mutiny-bill, the case is quite different, they are now really a body quite distinct from the people; when they are called to the assistance of the civil magistrate, they are not called as the king's subjects, but as the king's soldiers, and as they are quite distinct from the people, they may very probably assist in oppressing the people: Nay, my Lords, they must assist; if they refuse, if they disobey their orders, they are not to be tried by their country, they are to be tried by the martial law, and their punishment, instead of fine or imprisonment, is immediate death; they may that instant be tried and condemned by a court-martial, and shot to death upon the very spot where they dared to disobey their orders; for this reason they always will be, and always have been assisting in destroying the liberties, and oppressing the people of every country, where their superiors have thought fit to employ them for such wicked purposes.

From hence your lordships must see the difference between a civil magistrate's being assisted by the posse of the county, and his having a body of regular troops always at command. In the first case, he must in all his measures pursue justice and equity, he must even study the humours and inclinations, and court the affections of the people; because, upon them only he can depend for the execution of his orders as a magistrate, and even for his safety and protection as a private man; but when a civil magistrate knows that he has a large body of regular, well disciplined troops at command, he despises both the inclinations and the interest of the people; he considers nothing but the inclinations and the interest of the soldiers, and as those soldiers are quite distinct from the people, as they do not feel the oppressions of the people, and are subject to such arbitrary laws and severe punishments, they will generally assist and protect him in the most unjust and oppressive measures; nay, as the interest of the soldiers are always distinct from, and sometimes opposite to the interests of the people, a civil magistrate, not otherwise oppressive in his nature, is sometimes obliged to oppress the people in order to humour and please the army.

To imagine, my Lords, that we shall always be under a civil government as long as our army under the direction of the civil magistrate, is to me something surprising. In France, in Spain, and many other countries, which have long been under an arbitrary and military government, they have the outward appearance of a civil government; even in Turkey, they have laws, they

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have lawyers, they have civil magistrates, and in all cases of a domestic nature their services are under the direction of the civil magistrates: but, my Lords, we know, that in all such countries the law, the lawyers, and the civil magistrates, speak as they are commanded by those who have the command of the army. Their lawyers have often occasion to make the same speech that one of our Judges made to Michael Pole, earl of Suffolk in Richard the 2nd's reign, who upon signing it as his opinion, that, 'The king was above the laws,' said, 'If I had not done this, my lord, I should 'have been killed by you; and now I 'have done it, I well deserve to be hanged 'for treason against the nobles of the 'land.'

I am afraid, my Lords, some of our civil magistrates, at least those of an inferior degree, begin to put too great confidence in their having a military force at their command, and therefore make a little too free with the lower sort of people, or at least do not take proper measures for reconciling the people, in a good-natured and peaceable manner, to the laws of their country: a man who has power is but too seldom at the pains to use argument. It has been granted, the people rarely become tumultuous but when they are oppressed, or are made believe they are oppressed; if any man has either by writing, or speaking, directly or ironically, endeavoured to make them believe so, it is the business of our magistrates to inform them better, and to punish the defamers of our government; for such criminals may be punished as the laws now stand, unless we suppose the people generally disaffected, which God forbid; and if any magistrate has been oppressive, or deficient in his duty, it is the duty of this House, to enquire into it, and to punish the offender; but this can be done only by a particular enquiry. The law mentioned by the noble duke, I mean the law against gin, is a strong argument for such an enquiry. I believe every one of your lordships was afraid that law could not be carried in execution without occasioning riots and tumults: I wish that pernicious liquor may not still get the better of the legislature: but the quiet manner in which the law has been hitherto carried into execution, shews how willing the people are to submit to any regulation, if proper methods be taken to make them understand it, and to prevent the designs of those who may be, by nature or interest, led to oppose it in a seditious manner. The good success of the measures taken with respect to the enforcing that law, is, in my opinion, a strong proof of some crime or neglect in the magistrates at every one of those places where any tumult has happened, and therefore I shall be for enquiring in a particular manner into the circumstances and causes of every one of those tumults.

The Earl of *Scarborough* spoke next, pretty much to the same purport with what was said by the duke of Newcastle and the lord Hardwick; and then

The Lord *Carteret* stood up again, and spoke thus:

My Lords; Since your lordships have done me the honour to take so much notice of what I before hinted to you, and since every lord who has spoke upon the subject seems to be of opinion, that some sort of enquiry ought to be made into the tumults or riots that have happened, I will now take upon me to make some motions for that purpose, because I find no other lord has yet attempted it.

For my part, my Lords, I do not think it possible to obtain any satisfaction for ourselves, or to give any satisfaction to the nation, by a general enquiry; and if we make any particular enquiry, I think we ought to begin with that riot which was in itself the most wicked and atrocious. That the riot at Edinburgh was so, I believe every one of your lordships will agree, and therefore the first motion I shall make, is, that those who were the magistrates of Edinburgh at the time that riot happened, at the time, I mean, when Porteous was murdered by the mob, may be ordered to attend this House. I do not know what sort of magistrates that city has, or by what names they are called, but I hope some of the lords of that country will assist me in forming my motion in proper terms. If your lordships agree to that motion, I shall then make you several other motions, which I take to be necessary preliminaries for an enquiry into that affair.

I shall not take upon me at present so much as to guess or insinuate where the whole or any part of the guilt lay upon that occasion; but I am persuaded it will appear not to have lain wholly in persons of the meanest rank; however, lie where it will, if your lordships agree to enquire into it, I am sure you will go through the enquiry with that dignity, and wisdom, and impartiality, which have always attended, and have added weight to all the proceedings of this House. I am sure no guilty

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person, let his rank or quality be what it will, can escape your lordships' penetration, or avoid your justice; and therefore from such an enquiry I propose great satisfaction to myself, and I hope a sufficient satisfaction to the whole nation.

The Earl of *Ilay* said;

My Lords; As I am of opinion that the late tumults ought to be enquired into, and some measures taken for preventing the like in time to come, I am so far from being against a particular enquiry into that atrocious riot and cruel murder that happened at Edinburgh, that I shall not only second the noble lord in all the motions proper for that purpose, but I shall give him all the assistance I can towards putting those motions in the most proper terms. With respect to the magistrates of the city of Edinburgh, I shall beg leave to inform your lordships, that that city, like the rest of the cities in Scotland, is governed by its magistrates and town-council, who, together, make such laws and regulations as they think proper for the good government of the city; but the executive part of their government consists intirely in the magistracy, which is composed of a provost, four bailiffs, a treasurer, and a dean of Guild. As for the treasurer, his business consists chiefly in managing the estate and treasure of the city, and the dean of Guild's chief business is in looking after the buildings, neither of whom could, by means of their office, have any thing to do with the mob; and therefore the only proper persons for your lordships to call before you, are those who were the provost and four bailiffs of that city, at the time the late tumult happened there.

That the late tumult at Edinburgh was a most daring insult upon government, and that the murder committed at that time was one of the most flagitious, and attended with the most aggravating circumstances, I shall, my Lords, most readily admit; yet I am surprized to hear the least insinuation made, as if the city's charter ought to be taken from them on that account. It is true, cities or corporations may, perhaps, by the severity of law, be made to forfeit their charter, when they have been guilty of any very heinous and very extraordinary misbehaviour; and in former reigns we know that many Quo Warrantos have been issued for that purpose: but the taking advantage of such forfeitures, and stretching the law to its utmost rigour upon such occasions, has always been deemed oppressive, and has never, or but very seldom, been done but by those who were pursuing arbitrary measures; for it is really, in some respect, punishing the innocent for the sake of the guilty. For this reason, I hope no such thing will ever be attempted in his present Majesty's reign; but if such a thing were to be attempted, there is not the least foundation for attempting it with respect to the city of Edinburgh, on account of the late tumult there; for that tumult was far from being the act of the city or citizens: on the contrary, at least so far as yet appears, there were none concerned in it, but a few of the very scum of the people: It does not yet appear that there was so much as one freeman of the city concerned in it; and therefore it would be extremely hard to punish the whole inhabitants of that populous city with a loss of all their privileges as citizens, on account of any irregularity in which they cannot be said to have had the least concern.

The present case of the city of Edinburgh is vastly different from the case of the city of Cambridge in the reign of Richard 2. The city of Cambridge, my Lords, had in a manner joined in those insurrections which happened about the same time with that insurrection headed by Wat Tyler; the whole citizens assembled, not in a tumultuous, but in a hostile, rebellious manner, with their mayor and other magistrates at their head, went and assaulted the university, broke up their treasury, burnt their charters and many valuable records, and compelled the chancellor and members of the University, in a solemn manner, under their common-seal, to release, to the mayor and burgesses of Cambridge, all liberties and privileges enjoyed by that University. For this hostile and rebellious manner of proceeding, the parliament declared, they had forfeited their charter, and many of these liberties and privileges which were taken from them were granted by that king to the university; so that even this forfeiture was but a sort of *Lex Talionis*. But there is not the least resemblance between this case and the present case of the city or citizens of Edinburgh; and if there were, I hope none, or very few, of the proceedings of that reign will be allowed to be a good precedent in this; for the very same king, in a few years after, stripped the city of London of all her privileges, and took away her charter, on account of a mob that happened in the city at that time.

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The removing of the courts of justice, is, I believe, my Lords, a sort of punishment his Majesty has in his power to inflict; but it would be extremely inconvenient both to the judges and suitors, who are often obliged to have recourse to the public records of the kingdom, which are all lodged at Edinburgh, and which, I believe, cannot be removed, without an act of parliament, nor, even in that case, without a very great expence. But suppose the courts of justice could be easily removed, the punishment would be of the same nature with the other; it would be a punishing of the innocent for the sake of the guilty, and it would be a punishment I remember no precedent for, but in the reign I have mentioned, in the reign of Richard 2, who, upon his quarrel with the city of London, removed the courts of justice to York; which was one of the steps to that arbitrary power he afterwards assumed.

I shall not, my Lords, take upon me to affirm that the magistrates of Edinburgh were entirely innocent; whether they were guilty or innocent will best appear from your lordships, enquiry; but, granting that it should appear, that they were negligent of their duty, or even that they connived with the mob, and in a manner consented to the murder of Porteous, can that be a reason for punishing the city, or for stripping the innocent citizens of their privileges? As that tumult and murder was a high indignity put upon the crown, it is hardly possible to suppose it was the act of the citizens in general. That city has always been remarkable for their attachment to our present happy establishment, and has, upon all occasions, testified their respect and their affection for the present royal family. In the year 1715, they shewed it in a very signal manner; they appeared with great unanimity in arms, and were ready to have gone upon the most desperate attempts, in defence of our present establishment; and it must be admitted by every one, who knows the circumstances of affairs in that part of the kingdom at that time, that the loyal behaviour of the city of Edinburgh contributed greatly to repress the unnatural rebellion which had then broke out, and had come to a very extraordinary height. For which I should think, my Lords, that even suppose a great number of the citizens should appear to have been misled, and to have been concerned in the late tumult, yet the former behaviour of the city, its merit upon former occasions, ought to be admitted as a sufficient plea against our treating the city, at least, with the utmost severity either law or justice will admit of.

Whatever neglect, whatever crime the magistrates of Edinburgh may have been guilty of, I believe, when your lordships come to enquire into the causes of that tumult at Edinburgh, you will find, that the chief cause of that and every other tumult that has happened in the kingdom, proceeds neither from any neglect, nor any oppression in the civil magistrate, but from a restless, disaffected party, who are continually fomenting such tumults, in order to make their own use of them at foreign courts, and to represent the people of this island as generally disaffected to the present government. This, it is well known, is the uninterrupted endeavour of that party, and their success in this wicked design, is, in a great measure, owing to the many seditious libels and pamphlets spread about daily and dispersed with great industry through every part of the united kingdoms. In these libels and pamphlets, the authors, under the specious pretence of liberty, and an unfeigned regard for the rights of the people, take occasion to persuade the people, that their liberties are in danger, that they are oppressed, and that they ought to throw off all respect for, or obedience to the laws of their country; but, my Lords, the true design, the secret aim of such writings and such authors may be easily perceived: They know the transition is easy, from no government at all, to the government they wish to see established; and that the less respect the people have for the present government, the more easy it will be to prevail with them to submit to the other. This I say, my Lords, is easily perceived by men of knowledge and sense, but it is not so easily seen through by the generality of mankind, which is the reason that so many of them are caught in the snare; and as I am convinced that this will, upon enquiry, appear to be the chief reason of all our riots and tumults, therefore I shall most readily join with the noble lord, in any motions for enquiring into all or any one of them.

The lord Carteret then made the following motions, which were all agreed to: viz.

1. "That the Provost and four bailiffs of the city of Edinburgh, in the year 1736, be ordered to attend this House. 2. That the person commanding the City-guard,

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at the time of the riot in which captain Porteous was murdered, be ordered to attend this House. 3. That the officer, commanding in chief his Majesty's forces in that part of Great-Britain called Scotland, and residing there at the time of the said riot, be ordered to attend this House. 4. That an authentic copy of the Trial of capt. Porteous, and all the proceedings relating thereunto, be laid before this House. 5. That an humble Address be presented to his Majesty, that he will be graciously pleased to give order, that the accounts transmitted hither of the murder of capt. Porteous, and what passed thereupon, together with the orders and directions sent from hence relating thereunto; as likewise a copy of the reprieve of the said captain, granted by her Majesty, as Guardian of the kingdom, be laid before this House. 6. That the attendance of the several persons aforementioned be on this day month."

Debate in the Commons on the Number of the Land Forces.] Feb. 18. Sir William Young, (Secretary at War) in a short speech shewed the necessity there was for keeping up the same number of regular Forces that were kept up the preceding year, and moved, "1. That the Number of effective men to be provided, for guards and garrisons in Great Britain, and for Guernsey and Jersey, for the year 1737, be (including 1815 invalids, and 555 men, which the six independent companies consist of for the service of the Highlands) 17,704 men, commission and non-commission officers included: 2. That a sum, not exceeding 647,549*l.* 11*s.* 3$d\frac{1}{2}$. be granted to his Majesty, for defraying the charge of the said 17,704 men: 3. That a sum, not exceeding 215,710*l.* 6*s.* 5$d\frac{1}{2}$. be granted to his Majesty, for maintaining his Majesty's forces and garrisons in the Plantations, Minorca and Gibraltar, and for provisions for the garrisons at Annapolis Royal, Canso, Placentia, and Gibraltar, for the year 1737." This motion being objected to by sir John Barnard, Mr. Pulteney and others, brought on a debate, which was managed by sir William Young, Mr. Henry Pelham, sir Robert Walpole, and others for the motion, whose Arguments were in substance as follow:

Sir; Whatever impracticable notions some gentlemen may entertain, I believe there is no maxim more true, than that force is necessary for the support of government. And this force, in its own nature, can be no other than a military force. For in every society it is absolutely necessary to have a certain number of men properly armed and disciplined, for protecting the society against foreign invasions, as well as for preventing the weak from being oppressed by the mighty, and for putting the laws of the society in execution against offenders of every rank and degree. Though this force, Sir, as kept up by our ancestors, is now denyed by some to have been a military force, yet a very little consideration will teach us that it was properly so. It consisted chiefly of the Militia of every country, who for that reason were all properly armed and disciplined, and obliged to answer the call of those who had the command over them; but of latter ages, and since mankind have begun to apply themselves to arts and industry, they have neglected to breed themselves up to arms and military discipline, and therefore it has been found necessary in most, and especially in our neighbouring countries, to provide and maintain a certain number of men, whose chief business it is to breed themselves up to the art of war, and who for that reason are called regular troops. To them the defence of the society both against invasions from without, and insurrections from within, is chiefly intrusted, and by that means the rest of the people of the society are enabled to pursue trade, manufactures, agriculture, and other industrious employments, with greater application and assiduity than they could possibly do, if they were every now and then obliged to withdraw from their labour, in order to learn their exercises as soldiers, or to march against a foreign or domestic enemy.

This, Sir, is the chief reason that arts and sciences have of late flourished so much in Europe, and it is by this method only that trade and industry can be supported and encouraged in this kingdom; therefore I shall not suppose that any gentleman will be against our keeping up any number of regular troops. The only question that can come this day properly before us, is, What number of regular troops may be sufficient for protecting this island against any foreign invasion, and for supporting our government in the execution of the laws of their country? With respect to this question, Sir, we ought to consider, that in a free country as this is, and, I hope, will for ever remain, though every man enjoys many advantages by the constitution, yet that private good is, and ti-

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ways must be, attended with this public inconvenience. It must farther be owned, that it begets and supports parties, factions, and divisions among the people in general; and when the government is not provided with a sufficient military force for a necessary and just support, those parties and factions are apt to come to extremes: the discontented, let the motives of their dissatisfaction be never so unreasonable, are apt to raise insurrections, and to break out into open rebellion, when by the imbecility of the government they conceive hopes of obtaining, by force, those ends which they neither were intitled to, nor could obtain, by the laws of their country; the necessary consequence of which is, that the people are always exposed to the misfortunes of a civil war; and in such a case we have in our own history melancholy proofs, that the prevailing party but seldom shews any great regard to that very constitution, the support of which was at first, perhaps by both sides, made the sole pretence for engaging in war.

To this general consideration, Sir, we ought to add another which is peculiar to this kingdom: it is not only peculiar to this kingdom, but is in itself of a most peculiar and a most extraordinary nature. In this free, this happy country, we have a party amongst us, and a considerable party too, who are every day labouring to destroy that freedom to which only they owe their very existence as a party, who are every day contriving plots for putting an end to that happiness in which they themselves share. When I say this, I believe, I need not tell gentlemen, I mean the Jacobites and Papists in the kingdom, I believe or at least I wish that this party has not of late gained ground among the better sort, but I am afraid, Sir, it is owing only to the dread of a military force, that the inferior rank of people are kept so quiet as they have of late years been. But, Sir, I am far from thinking the principles of Jacobitism to be quite extinct even among the better sort. If we should leave the government unprovided of a sufficient military force, it would immediately revive their hopes; and if they should again break out in open rebellion, they would certainly be joined by all the abandoned, the profligate, and the desperate, who will generally chuse that side, as being that from which they may expect the greatest reward in case of success; in which case we should again be obliged to fight for our liberties, and the most fortunate event would be attended with great public loss, and with many private calamities.

But setting aside the general interests of the government, I don't see, Sir, as our common people are now disused to military discipline, that even private property can now be secure against rogues and pilferers, if as in other countries they should form themselves into gangs. At least, Sir, there might be a great deal of mischief done, before they could be suppressed and brought to justice. Then with regard to mobs and tumults, we find by experience that regular troops are of great use, not only for preventing any such from happening, but for quelling and dispersing them after they have happened, and that without any great mischief's being done of either side: whereas if we had no regular troops to be employed in such services, though the civil power might perhaps at last be able to put an end to the tumult, and to seize and punish the rioters; yet it is certain, the mob or tumult would always be gathered to a great height before the civil power could effectually interpose.

With respect, therefore, to the protecting our people against invasions, I shall now, Sir, take the liberty to consider what effect our keeping, or our not keeping, up a sufficient number of land-forces, might, and probably would have upon our foreign interests, and what still more nearly concerns us. All our neighbours, Sir, are highly sensible of the great inequality between militia and regular troops. Experience has often shewn what a vast number of the former may be attacked and put to flight by the latter, they therefore now put their only confidence in their regular troops; and every nation in Europe is now respected and esteemed by the rest, in proportion to the number of regular troops they have in their pay. Therefore, to preserve that respect and esteem which we ought always to have among our neighbours, we ought to keep up a considerable body of regular well-disciplined troops; because if any of our neighbours should begin to despise us, they would of course begin to insult, and perhaps to invade us. This, Sir, would keep our sea coasts in a continual alarm, and might expose many of our maritime counties and cities to be plundered and ravaged by a handful of foreign troops, landed in any corner of the island. I do not suppose, Sir, that a handful of any sort of troops would be able to conquer the island; but if we had nothing

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but militia to send against them, they might do us infinite mischief, before we could gather and form such a body of militia as would be able to oppose them,

From these considerations, Sir, I must be of opinion, that it is no way consistent with true wisdom and policy, or with the peace and security of the people, to diminish the number of regular forces we have at present on foot. It is the least number has been kept on foot for many years, and experience has shewn us that from such a number there are no inconveniences to be apprehended; but on the contrary we have felt many good effects from keeping up that number, and even from augmenting it now and then as occasion required, provided, as has always been the practice since the accession of his Majesty's royal House, they are likewise upon occasion reduced. It would be too tedious to recapitulate all the advantages we have from thence acquired: but in general it must be granted we have for near these 20 years enjoyed a most profound tranquillity both at home and abroad, which is chiefly to be attributed to our keeping up such an army as made our enemies both at home and abroad stand in awe, and to the other prudent measures which his Majesty and his glorious father have during that time pursued. Even but lately, when the greatest part of Europe were involved in war, we were left at liberty to pursue our trade through all parts of the world in peace and perfect security; and by the small addition we made to our army, and the augmentation of our fleet, we not only preserved our own but we contribute greatly to the restoring of the public tranquillity; nay more, we acquired accessions of trade that are of infinite advantage to this nation. In short, Sir, we set bounds to the ambitious views of the victorious, and convinced them, that if they endeavoured to pursue their conquests any further than was consistent with preserving the balance of power in Europe, we were not only resolved, but would be ready to interpose with such a force as would be sufficient to stop their progress. This, Sir, was what made them so ready to hearken to equitable terms, to terms which did not essentially vary from the wise plan his Majesty, in conjunction with his allies the States-General, had been pleased to propose for restoring the tranquillity of Europe.

Since therefore we have experienced so many advantages from keeping up the present number of regular forces, since we have felt the expence to be but inconsiderable, and the inconveniency none; since no danger can be apprehended during his present Majesty's reign, I cannot think any gentleman of this House would be for diminishing the number, even though there were no particular reason at present subsisting for keeping up the same number we had last year.

But, Sir, there are in my opinion three very strong reasons peculiar to the present times for continuing the same number at least for this next ensuing year, two of which are of a foreign, and the third of a domestic nature. There is, it is true, no war at present subsisting between any of the Christian princes or states of Europe; with respect to any such war the public tranquillity may properly be said to be restored; but it cannot be said that the tranquillity of Europe is altogether restored, nay, that it may not upon a very trifling and impossible to be foreseen event be disturbed. The Muscovites are already engaged in a war against the Turks, and it is more than probable the Emperor's arms will soon be turned the same way. As yet the other powers of Europe seem to have nothing but peaceable inclinations to all public appearance; but we do not know how long that serene appearance may hold: there are some of them who have seldom long remained at quiet, when they found the Emperor involved in a war with the Turks; and if they do not take the opportunity for attacking the Emperor, it is to be apprehended they may think it a proper opportunity for making incroachments upon some of their neighbours: though perhaps no such thing may be intended directly against this nation, yet we ought not to put ourselves out of a capacity to fulfil the engagements which our own interests and our treaties point out, if any such encroachment should be attempted, whether upon ourselves or our neighbours.

Besides, Sir, as the system of affairs in Europe, seems to be very much altered by the late treaty between the Emperor and France, and as the terms of that treaty are as yet in some measure a secret to the public, who will take it upon him to say, but that there may be some secret conventions between those two powers, which may be found prejudicial to the neighbours of both? In such a case, that treaty, instead of being a foundation for establishing the general tranquillity, would prove a firebrand for rekindling, perhaps the most general and the most furious war that ever was in Europe:

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a war, in which this nation could not avoid being one of the principal parties concerned; and therefore, I must think we cannot with safety disband any of the forces we have at present on foot, till this new system of affairs is thoroughly understood, and its consequences seen through, which they cannot be till all the secret articles of that treaty are fully discovered.

The third reason for keeping up the same number of forces, at least for this ensuing year, is, as I have said, of a domestic nature, and founded upon that spirit of discontent and dissatisfaction, which has been so industriously spread over the whole nation, and has of late produced mobs, riots, and tumults, almost in every corner of the kingdom. I am persuaded every gentleman that hears me will join with me in saying, his Majesty's government, ever since he came to the crown, has been so mild and just, that no man can really have the least reason to complain. It cannot with justice be said his Majesty has ever attempted the least incroachment upon the liberties and privileges of the subject in general, far less can any private man complain that he has met with injustice or oppression; yet there is such a spirit of dissatisfaction and sedition gone forth, that the lowermost rank of our people are every where ready to fly in the face of the civil magistrate; and even the acts of the whole legislature, those acts, Sir, that have by almost every gentleman in this House been allowed to be for the general good, have been most heinously insulted, and misrepresented. I shall not pretend to shew how this seditious spirit has been raised, or to what it is chiefly owing; but while it continues, I must say, it would be very unwise in us to dismiss any part of our regular army; for if we can but keep the people quiet till they have time to think and consider, the ferment will subside when they find their dissatisfaction groundless. This may probably be the effect of keeping up our army for the ensuing year: because in that time the minds of the people may be quieted, and while we have such an army, those who are disaffected will not dare to take any advantage of the discontents they have raised, nor will they dare to push those they have seduced upon any violent measures: whereas, if we should at this juncture disband any great part of our army, the disbanded soldiers would probably join with the discontented, which might produce consequences I tremble to think of; but this House will, I hope, prevent my fears, by agreeing to the motion for this resolution.

The Speakers against the Motion were Mr. Pultency, sir John Barnard, Mr. Shippen, Mr. Sandys, and others: their Arguments were to the following effect;

Sir; As I am not, nor do intend to speak against our keeping up any standing-army at all, I have no present occasion to take notice of the arguments that have been made use of for shewing the indispensable necessity for such a measure; However, lest it should be thought, that I am likewise of opinion, that a government cannot now be supported, nor the laws put in execution, without a body of what we call regular troops, and which were unknown in the times when the spirit of our constitution was best understood, permit me to give some reasons for my being of a contrary sentiment. I know, Sir, that all our neighbours have now fallen into a method of keeping up a large body of regular troops; but it is not for the sole reason, that such troops must always have a great superiority over militia, or that a government cannot be supported without the assistance of such troops; it is because among most of them, I may say among all of them, some sort of absolute and arbitrary government has been lately introduced; and for supporting such a government, it is absolutely necessary to keep up a standing-army. But there was a time, Sir, when the practice of keeping up a body of regular troops for the purposes of a government and ministry, was as little known in these countries as till within these sixty years they were in ours. In such a country a body of regular troops must always be much preferable to a body of their militia, most of whom we may suppose never touched a sword or a gun, before it was put into their hands upon that occasion; but in a country where no regular army is kept up, and proper care taken to exercise and discipline the militia, and to infuse a martial spirit into all their subjects in general, I can see no reason why a body of men, who have for seven years been bred to hard labour, to the use of arms, and to military discipline, without any pay, should not be as good as a body of men bred up for the same time to military discipline, with pay, and by reason of that pay, bred up in laziness and idleness: on the contrary, I should think the former would be better able to endure the fatigues of war; and I am certain no man's courage was ever improved by a state of laziness and idleness, which for some years past has been the case of our army.

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A soldier, Sir, may learn all his exercises to perfection in 3 or in 6 months; and after he is once master of his exercises, he is as good a soldier as he ever can be without seeing action. He may then make as good a figure at a review as the oldest veteran; but for making a good figure in a day of battle, it depends upon the courage and the experience of a soldier, neither of which, but especially the latter, can be acquired any other way than by having been frequently in action. Therefore, Sir, I see no reason why a militia may not be as serviceable as our present army, since they might have all the advantage which regular troops can enjoy except experience in action, which our army knows almost as little of as our militia. Now with respect to the military exercises, and to the making of a figure at a review, I believe a man, who is five days of the week at plough, or any other industrious employment, and two days at his military exercises, may in half a year, or a year, become as much master of the latter, as he that is two days of the week at his military exercises, and the other five sotting or carousing at an ale-house or gin-shop. Upon the whole, Sir, I will venture to say, that if the militia of this country, or any country where the spirit of the people has not been broke by arbitrary power, were properly regimented, and put under the command of gentlemen of honour and courage, instead of being commanded by shoemakers and taylors, they might in a year or two be as properly called regular troops, as any mercenary regiment can be, which is composed of officers and soldiers, who never had occasion to look an enemy in the face, unless it was a gang of smugglers, or a mob of pick-pockets; and while there is a man in the kingdom, who has been in action, a regiment of militia would have as good a chance to have some of them among them, as any regiment of mercenary troops can have, after a peace of 20 or 30 years duration. I shall readily grant, Sir, that a regiment of veteran soldiers, a regiment composed chiefly of officers and soldiers who have been frequently in action, may be much superior to a regiment of the best disciplined militia; but I cannot admit that a regiment of mercenary troops, who never saw an enemy, has any advantage over a regiment of militia, well disciplined and properly commanded: It never can be thought that there is any difference in the goodness of the men; and if there is not, I cannot for my life find out where the preference should be given to the regular troops. For which reason I shall always be of opinion, that a country may be governed, the laws executed, and the people protected both against invasions and insurrections, by a regular militia, as well as by a mercenary army; and in a free country I am sure the former is a much more proper defence than the latter.

What we now call regular troops, or standing-forces, have produced, and always will produce, the most fatal consequences in every country where they are kept up. In such countries the people in general not only neglect, and have no encouragement to breed themselves up to the use of arms and martial discipline, but they are taught from their infancy to tremble at the name of a soldier; by which means the bravest, the most warlike people may, in the space of one century, be rendered the most dastardly and effeminate. They put their whole trust in what they call their army; and if that army happens by the chance of war to be cut off, there is no finding another that dares look a victorious enemy in the face, which is the reason that every such country has at last become an easy prey to some foreign invader: Whereas, in a country where they have no army to trust to, the government must necessarily take care of the militia, the whole people are bred soldiers from their infancy, and an invading enemy finds them like the Hydra's heads; if they have the good fortune to cut off one army, they immediately find another more formidable grow up in its stead; for such a people may be killed, but they cannot be conquered. I am surprized, Sir, to hear it said, that arts and sciences cannot be promoted, nor trade and industry encouraged, but by the keeping up of standing-armies, for I have often heard, and often thought that standing-armies are destructive to all the arts of peace. It may as well be said, that neither the one nor the other can flourish but in countries where arbitrary government is established; for arbitrary power has in all countries been the certain consequence of keeping up a large standing-army. In such countries they may have the good luck to have a prince, or an administration, that encourages arts and sciences, and protects trade and industry; but that period is generally of no long continuance, and barbarism, ignorance, and idleness always succeed. In this kingdom we know that arts and sciences were introduced, and

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trade and industry established, long before we had such a thing as a standing-army; and I believe, Sir, gentlemen will find, that since the nation has been at the trouble and expence of keeping up a standing-army, those arts and sciences have not at all gained ground in this country.

In the Grecian and Roman commonwealths their tradesmen and labourers gained laurels in the field of battle by their courage, and returned to gain a subsistence for themselves and families by their industry; but when they began to keep standing-armies, their soldiers, it is true, for some time gained laurels in the field, but they returned to plunder, and at last to subdue their country; which put an end to their freedom, and of course to every thing that was praise-worthy among them. God forbid our fate should be the same! It is a mistake to imagine our tradesmen would be drawn away from their labour by breeding them up to military discipline; on the contrary they might be brought to use it as their diversion, and, then they would return with more alacrity to their usual labour. In former times our holy-days, and even Sundays, were employed in the exercise of the long-bow and other warlike diversions; and I must think that such days would be much better employed in that way, than in sotting at an ale-house, or loitering in a skettle or nine-pin ground; but such a change of manners is not to be introduced without the assistance of the government, and some proper laws for that purpose; and I am convinced our government will never assist, as long as we furnish them with a standing-army; for a standing-army is in all countries a most useful thing to those in power, and a well disciplined militia a most dangerous thing to those who are grasping at more than they ought to have.

I shall readily agree with the honourable gentleman, that every government must have a military force for its support, and must make use of that military force when necessity requires. But the military force that is required for preserving a people from invasion from abroad, or insurrection at home, and that required for strengthening the hands of an administration, are very different. A legal and limited government ought to be provided with a free and legal military force depending upon the sole will and pleasure of the governor; a military force which he may make use of for breaking, as well as for executing the laws of his country. Such is our regular army according to its present establishment. They are not free subjects, they are soldiers, not governed properly by the laws of their country, but by a law made for them only; and all depending upon the sole will and pleasure of the king. This may in time make them look upon themselves as a body of men different from the rest of the people; and as they, and they only, have the sword in their hands, they may at last begin to look upon themselves as the lords, and not the servants of the people. They will obey and execute your laws whilst you make such laws as please them; but if you should begin to make such laws as may be disagreeable to them, they will neither execute nor obey your laws; they will make laws for themselves, and one of the first, you may depend on it, will be, a law for dissolving your assembly: They have done so before, and they may do so again, if ever they should happen to be under an ambitious king or general. I know it may be said our militia depend as much upon the sole will and pleasure of our governor, as our regular army; but it is not to be supposed they would so readily join in overturning the laws of their country, as a mercenary army would, when properly garbled, and if our militia should be brought under any new regulations, which must be done, before they can be made useful, proper care might be taken, for putting it out of the power of any man to make a bad use of them.

I know it has been said, that liberty is attended with a licentiousness of manners, which begets factions and animosities against the government; but admitting that to be true, no argument drawn from the abuse of a good thing, ought to serve for its being abolished. Though I cannot at all see how a free country is more liable to dangerous convulsions than an enslaved one. In a country where the government is limited, and the people free, there may perhaps be more room for party and faction, than in a country where the government is absolute, and the people dare not complain; but, Sir, even in a free country, and under the most limited government, while those in power do their duty, while they consult the inclinations of the people, and refrain from all manner of oppression either public or private, no party, no faction can become dangerous to the government, though it has no regular troops to trust to. Such a government

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will always have a great majority of the people in their interest, and though there may be some who, from private views, may be dissatisfied with the public measures pursued, yet they will for their own sakes remain quiet and peaceable; for no man of common sense will rise in arms against an established government, unless he is sure not only of a general discontent among the people, but that the general discontent is got to such a height as to make the majority of the people, ready to fly to arms for their relief or preservation. Of this the glorious reign of queen Elizabeth is a most convincing proof. I believe hardly any history can parallel so long a reign so little disturbed with faction; yet if we consider the circumstances that attended her accession to the crown, we shall be surprised that her reign was not torn with the most violent party divisions and state convulsions. One of the steps of that glorious queen was to overturn the religion she found established in her country, a religion supported by a great party at home, and professed and protected by the greatest part of Europe. At the same time she knew she had a pretender to her crown, and a most dangerous pretender too, a pretender who was of the religion then established in the country, a pretender who was in possession of a kingdom of her own, a kingdom within the same island, and a kingdom which could vindicate the rights of their queen with as brave and as fierce armies as ever marched from any country; and what still added to the danger, the pretender was not only queen of Scotland, but wife to the dauphin, and afterwards to the king of France. From such circumstances, what factions, what commotions, what violent convulsions were not to be apprehended; yet that wise queen, without any standing army, established herself upon the throne, established the religion she professed, triumphed over all her enemies, and after a reign of 43 years transmitted the crown in peace to her next lawful successor, without ever having been disturbed by any party or factions rising in arms against her, except one in the north, and some few commotions in Ireland, neither of which ever became considerable.

In a free country, indeed, when those in power make a weak or a wicked use of their power, or make any attempts upon the liberties of the people, a party will certainly form itself against the government, and such a party as cannot be withstood but by means of a numerous and mercenary army; but in that case, Sir, the government becomes the faction, and as soon, Sir, as government degenerates into faction, there is a necessity for its being supported by a standing army, for it can support itself no other way, and it is by that way alone that it can destroy the liberties of a people; some outward forms may be preserved, but the government, in substance, becomes from that moment arbitrary. Faction is an ugly name, in a free country, always bestowed upon those who oppose the government; but whether they, or the government, best deserve the name, depends upon the measures pursued by each. To prevent faction and civil discord has in all countries been the plausible pretence of those who secretly aimed at the establishment of arbitrary power. In most of our neighbouring countries that pretence has had the wished-for success, but I hope it never shall in this; for it is much happier for a people to be in a continual danger of civil discord, or even of civil wars, than to be in a continual state of slavery. A civil war is an imposthume, it may be troublesome, it may be painful while it lasts, but, it carries off any contagious matter that may be lodged in the body, and generally brings health and vigour for many years after; whereas despotic power is an ulcer, a gangrene which admits of no cure, nor can receive any comfort.

I believe, Sir, no gentleman ever suspected me as favouring disaffection to our present happy constitution in church and state. I have as bad an opinion of Jacobites and Papists as any gentleman of this House can reasonably have, but I never thought that either our Jacobites or Papists were for establishing arbitrary power: I am sure very few of them are. We maintained our liberties when the whole nation were Papists; we may lose them now we are Protestants; and if we should, it would make many men Jacobites who are very far from being so at present. People under oppression always hope for relief from any change; if the liberties of this country should be once overturned, the worst we could expect would be only changing one slavery for another. Even the truest lovers of liberty might be prompted by revenge to become Jacobites, in order to disappoint and punish those who had cheated them out of their liberties. I do not believe there can ever be a party in this kingdom for establishing

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arbitrary power, unless it be our ministers and their creatures. An itch for arbitrary power seems, indeed, to be epidemical with respect to that set of men: our ancestors have known ministers, Sir, who have been infected with it, and who have transmitted the infection down to their successors, though of a different party and interest. We may again have such ministers; and, for that reason, chiefly, I am against keeping up a numerous standing-army, because, according to its present regulation, it is too much under the power of ministers: and I own that I am for trusting no minister with my liberty. Some minister or other may some time or other make use of it for attaining to that which so many of them have seemed to long for.

There are, it is true, Sir, too many rogues and thieves in the kingdom; there are, I believe, some great ones who are not yet discovered, but I doubt much if a numerous standing-army will contribute either to their being discovered or punished. With respect to any of those little pilferers that have of late been seized and hanged, I am sure it cannot be said the army has been, in the least, assisting. They have all been apprehended by the country people, or by the common thief-catchers; which is a trade, I hope no gentleman of the army will ever be desired to undertake, unless the thief be some person of a very eminent degree. I do not know that the army has ever been employed in any sort of thief-catching, except with respect to those thieves called smugglers; and the reason of the army's being necessary for that purpose is, that our taxes are so many and so high, and have been so long continued, that the people begin to look upon smugglers as their friends, and therefore will not be concerned, nor run any risk, in apprehending or opposing them. And indeed, Sir, I think it should be very unreasonable if the army was not useful in some shape or other, especially to those who keep it up. When our soldiers serve against smugglers, they serve their own immediate masters, and the country people have learned to look upon that service as proper to the army. But if we had no taxes but such as the people thought reasonable, and if those taxes were applied to uses which the people thought necessary for their preservation, they would be as ready to join the hue and cry against a smuggler, as they are now against a housebreaker or highwayman. I am persuaded there is nothing contributes so much to the increase of criminals of all sorts among us, as the great number of regular troops we keep up; the common soldiers mix among the vulgar, and by their example, they propagate a spirit of lewdness, idleness, and extravagance in every country and city of the kingdom; I wish even some of the officers may not in this way be a little to blame. The credit and subsistence of a merchant, a tradesman, or a labourer, depends upon his character: if he gets the character of a lewd, profligate fellow, no man will trust or employ him; for this reason he is obliged at least to be a hypocrite, and so can do no mischief by his example; but the credit of a soldier depends upon his doing his duty, and his subsistence depends upon his pay; if he does his duty he may be as lewd and profligate as he pleases, and as openly as he pleases, consequently may do great mischief by his example. In all countries the young and high-mettled are proud of keeping company with soldiers; they learn their manners, and soon begin to imitate them in their vices; by so doing they lose their characters, and when no man will trust or employ them, if they cannot get into the army, they must rob or steal for subsistence.

Among a certain set of people, Sir, I have observed, that mobs are represented as most hideous things. I confess they ought not to be encouraged; but they have been sometimes useful, though I own they are never expedient. In a free country I am afraid a standing-army rather occasions than prevents them; where a magistrate has a guard of regular troops to trust to, he is apt to neglect humouring the people, he despises, and sometimes oppresses them; in which case, the people, as long as there is any spirit among them, will certainly grow tumultuous. If a tumult happens with any just cause of complaint, a little gentle usage, and calm reasoning, generally prevents any mischief, and prevails with the people to return to their duty; but a magistrate with an army at his back will seldom take this method, for few men will be at the pains to persuade when they know they can compel. But in a free country, if a tumult happens from a just cause of complaint, the people ought to be satisfied, their grievances ought to be redressed; they ought not surely to be immediately knocked on the head, because they happen to complain in an irregular manner. To make use of regular troops upon every such occasion, is like a tyrannical schoolmaster, who never makes use of the soft

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arts of persuasion and allurement, but always makes use of the rod; such a man may break the spirit, but never can improve the minds of his scholars.

I do not know, Sir, what the honourable gentlemen mean by that respect and esteem which we ought to have, among our neighbours; surely, Sir, this respect and esteem never can encrease in the same proportion as our regular troops encrease; surely gentlemen do not think that we are to be respected only according to the regular troops we have in our pay: In that case there are several princes in Germany who would deserve more respect than we; there is hardly a kingdom in Europe that would deserve so little; and I am sure those who keep up their hundreds of thousands, as some of our neighbours do, would have no occasion to shew us any regard or esteem. But I believe the case is directly otherwise. For my own part, Sir, I am so far from being of that opinion, that I think I can venture to make it appear, that the more regular troops we keep up in time of peace, the less we shall be respected or esteemed by every one of our neighbours: They know we have no frontier to defend, nor fortified towns to garrison, and therefore they will conclude our government would never be at the expence of keeping up a large body of regular troops, if they were beloved or esteemed by their own people. They will conclude that such a body of troops is kept up, only to keep the people in obedience; and a government which does not enjoy the affections and esteem of their own people, will certainly be despised by foreigners, and they know at the same time, that the people must be fleeced in order to maintain them. Whereas, when those in the government of this nation do their duty, when they enjoy the affections and esteem of the people in general, though we had not a regiment of regular troops in the kingdom, our neighbours know we could in a few months appear in the field with our hundreds of thousands of regular troops as well as they, besides an irresistible navy, by means of which we could carry terror and desolation to every part of their sea coasts, and at the same time protect our own from any insult.

It is not therefore, Sir, to our keeping up a large body of regular troops in time of peace, we owe any part of that respect we may have among our neighbours; it is to our naval power, to the natural bravery of our men in general, and to our government's possessing the hearts of their subjects. From hence it is we derive our security; and the keeping up of a large body of regular troops in time of peace, will derogate from every one of the three. It will render it impossible for us to keep up such a naval power as we might otherwise do: It will propagate a spirit of effeminacy and cowardice among all those who are not of the army; and it will always contribute towards rendering our government hateful to the people in general. For this reason I will be bold to say, that if ever any of our maritime counties or cities be plundered by a small party of foreign regular troops, it will be owing to our keeping up a standing-army. Considering the extent of our coasts, we cannot have so much as one regiment, nor half a regiment, at every place where a small party may land; such a party may therefore plunder and lay desolate a great part of the country before any of our regular troops can come up to oppose them; and the effeminacy, and cowardice, into which the inhabitants, by an entire disuse of military exercises, may fall, will instigate our enemies to make many such attempts.

I am really very much surprized, Sir, to hear it said, we have felt no inconvenience from our army. Besides the danger to which our liberties are exposed, is not the great debt we still owe, and the many taxes we still pay, in a great measure owing to our keeping up so numerous an army in time of peace? Can it be said that the quartering of soldiers is no inconvenience to those poor people who are subject to that extraordinary burden? Is it not a very great expence, as well as a great inconvenience to every public house in the kingdom? And can we imagine our soldiers are always so civil in their quarters as never to be guilty of any insolence or rude piece of behaviour? I hope I shall be forgiven when I wish that some of the gentlemen who tell us so could be metamorphosed, for a few weeks only, into a country inn-keeper, or alehouse-keeper, with a handsome wife, or two or three pretty daughters, whose virtue and well-being he might be supposed to have some concern for: I believe such gentlemen, upon their return to this House, would shew a little more sympathy; I believe they would allow our inn-keepers and alehouse-keepers might live at a less expence, and with a great deal of more ease and quiet, if they had no such inmates, at least not so many, as they are now generally plagued with. But this

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is not all: Can any gentleman say our liberties can never be in danger from a standing-army? Have they not once already been overturned by an army, which was raised and paid by parliament? An army, wherein the very officers were put in by the parliament, or by those whom the parliament had named, which rendered it more the creature of the parliament, than it is possible for our army upon its present footing to be. For though our regular troops are at present kept up by our authority, we are not certain our authority will be sufficient for disbanding them, whenever we have a mind, our being in no danger from his present Majesty signifies nothing: Under a good king, we ought to adopt no custom, nor make any precedent, which a bad king may make a bad use of.

Whatever our pacific measures may have done, I am persuaded, Sir, neither the late preservation of our own tranquillity, nor the restoration of the public tranquillity, was owing to the army we kept up, or the addition we made to it. As to our own tranquillity, it is certain our remaining quiet, was the utmost that could be hoped for by those who began the war; our not joining against them was the greatest favour they could expect from us, and therefore it would have been ridiculous in them to have disturbed our tranquillity, because it would have forced us to join against them. And as to restoring the tranquillity of Europe, I am sure it cannot be said to have been restored upon the footing of any scheme or plan proposed by his Majesty; I am sure his Majesty never did, nor ever would propose to add such a large dutchy as that of Lorain to the dominions of France. On the contrary, we know the peace was clapt up between the two chief contending powers without our knowledge, without our advice or assistance; and I wish we may not find it was clapt up on conditions which may prove disagreeable both to us and our allies.

I shall grant, Sir, that the system of affairs in Europe seems to be altered by the late peace; but I cannot think either of the contracting parties has a design of making any immediate incroachment upon us or any of our allies. The maxims they have of late pursued for distressing us are more slow and more effectual than they were some time ago, when they had other ministers to direct their affairs. I dare say, Sir, there is not a court in Europe that has now a thought of invading us or our allies, for if that were the case, our ministers at those courts would certainly have discovered such a design: their wisdom, their care, and their penetration, are so well known, it is not possible to suppose such a design could be kept concealed from them; and if there be no immediate design, there is no occasion for us to prepare against it: on the contrary if we suspect any distant views, and such only, (if our ministers at foreign courts have done their duty) we can suspect, we ought in the mean time to save as much as possible, in order that we may be the better able to oppose such designs, when any attempts shall be made for carrying them into execution.

But, Sir, if we can suppose any alteration made by the late peace, with respect to the system of affairs in Europe, it must be occasioned by a real conjunction and thorough union between the Emperor and France: it must proceed from a concert between those two potentates for prescribing rules to the rest of Europe, or for joining together in order to incroachments upon some of their neighbours; and in that case the war which the Muscovites are already engaged in, and which the Emperor will probably be very soon engaged in, against the Turks, is a sort of pledge for securing the tranquillity of the rest of Europe; because it will prevent the emperor's being in a capacity of executing his part of any such concert. Then again, if we suppose that no such alteration has been made by the late peace, but that France may take that opportunity, as she was formerly wont to do, of attacking the emperor or some of those, who, according to the antient system, are his natural allies, it is at the same time reasonable to suppose that we would not be so far wanting to ourselves as to stand by the spectators; in such an event, it is not the first time the emperor, in conjunction with his allies, has supported successfully a war against the Turks, and at the same time set bounds to the ambition of France, even when he had not the Muscovites to assist him, and at a time when we had no such numerous standing army in Britain as we have at present.

But, Sir, it is impossible to imagine or expect a time when all the princes of Europe will be not only in profound peace, but without any views or designs of making incroachments upon one another. If we are not to diminish our present army till such a time happens, if we are not to pass the river till it runs dry, it is ridiculous ever to think of passing, or to expect a diminution. Against secret designs and

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sudden invasions, we may always defend ourselves by means of our fleet; and there is no gentleman of those who oppose a land army that is against our keeping the royal navy always in good repair, a considerable number of seamen always in pay, and to encouraging military discipline among our men in general; but when we are ourselves at peace, we ought always to take that opportunity to ease ourselves of the expence of maintaining a land army. Are we to keep up a land army for the defence of our allies? No, Sir; they have fortified towns, and numerous garrisons to defend them against any sudden attack; and if they do their duty towards themselves, if they keep the fortifications of their frontier towns in good repair, and such a body of regular troops in their pay as is necessary for defending their frontier, we shall always have time to raise or to hire an army for their support, before they can be brought into any great danger.

I am sorry to hear, Sir, there is so much discontent, and so many tumults in the nation; but upon such an occasion to bring his Majesty's name, or his Majesty's government, into question, as I observe they too often are, is not fair; I must begleave to say, I do not think it altogether decent. I am sure there is no man in the kingdom that ever thought himself wronged by his Majesty, but I shall not say so much with respect to his ministers. Therefore, if there be any discontents in the nation, we are to suppose, the nature of our constitution points it out to us to suppose, that such discontents are owing to the measures pursued by the ministers only; and if we examine the history of this nation for some years past we may easily see how they have been raised, and to what they are chiefly owing. During the late great war, the people of this nation were subjected to many new and heavy taxes, and a great public debt incurred. Every man was then sensible of the debt contracted, every man then felt severely the taxes he paid, but every man comforted himself that in a few years of peace the debt would be paid off, and most of the taxes abolished. We have now enjoyed a peace of twenty five years standing, and yet now we find the public debt near as large as it was at the end of the war, and all the taxes but one, as high and as heavy as they were in any time of the war. In this long tract of peaceable times, the people have not felt themselves relieved from any one tax, except a part of the land tax, and even that tax is as high in Britain now in time of peace, as it is in France in time of war. Thus the people have been long disappointed, and now at last they begin to despair of ever seeing themselves relieved from the heavy burdens they groan under. There may be several other reasons; there are some which I could mention, but this is the chief reason of the discontent being so general, as I am afraid it is; and I am sure the keeping up of a numerous standing-army in time of peace, is not a proper method for removing this cause of discontent. So far from it, Sir, that I am afraid it is one of the principal causes of all that dissatisfaction so much insisted on; for a free government cannot be supported but by having the affections of the generality of the people.

To imagine, Sir, that our government would be in any danger from the disbanded soldiers joining with the discontented is without any foundation; for there are many soldiers would be glad to be discharged, there are many of them would be glad to return to their former labour and industry, and there are some who would be intitled to Chelsea-hospital; of these there are not perhaps a great many, for of late we seem to have taken more care to make a fine figure at a review, than a brave stand in a field of battle; so that we have not at present many old soldiers in our army; however there are some, and they would be glad of being put upon the establishment of Chelsea-hospital. By this means a reduction might be managed so as not to discharge a man who did not look on it as a favour; and surely it is not to be supposed that those men who had just received a favour from the government would join with any party against the government; nor would the number of disciplined soldiers in the kingdom be diminished by such a reduction; for, as the officers would all be put upon half pay, both officers and soldiers would remain in the island, and would be ready to assist in the defence of their country against any invasion or insurrection, and act as bravely as if they were fully in pay and regimented.

I hope, Sir, I have now shewn, there is no force in any of the arguments made use of for our keeping up the same number of forces we had last year, nor any danger to be apprehended from a reduction; but I cannot leave this subject without representing to gentlemen the danger our constitution is exposed to by keeping up such a numerous army. Such representations have, it is true, often been made and enforced with

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more strength than I am master of, but I think they ought to be repeated as often as there is occasion. The number we have at present, especially considering how easily and how soon they may be increased to double the number, I will be bold to say, is sufficient for trampling upon the liberties of this nation; and the longer they are kept up, the more sufficient will they be for that purpose; because the people will every day grow less apt or able to vindicate their liberties, and our army will every day grow the more cemented, and consequently the more fit for such an undertaking. Oliver Cromwell, when he turned every member of this House out of doors, when he bid one of his soldiers take away our Mace that Fool's Bauble,* as he called it, had not a much more numerous regular army than we have at present on foot; and though the army under king James II. behaved in a more honourable manner, yet such a behaviour is not much to be depended on; for I am convinced even that army would not have behaved as they did if the discontented had not had an army to repair to: or if proper measures had been taken to garble them a little before hand.

But, Sir, without any open or violent attack upon our liberties, like that made by Oliver Cromwell, our constitution may, by means of our army, and the many other posts in the sole disposal of the king, be undermined, and at last, to use the military expression, entirely blown up. It may come to be laid down as a maxim, that an officer or soldier ought to be as observant of his orders in this House, or at elections, as he ought to be in a camp or a field of battle; and that courage and experience in the field are never to be regarded, however serviceable they may have been to his country, if they happen to be joined to a backwardness for the minister's measures in the House. Nay it may happen, that the making of a proper interest at elections, or the giving of a right vote in the House of Commons, shall be deemed the only service, the only merit worthy of preferment in the army; and considering how many officers are in Parliament, considering how many must always be in Parliament as long as we keep up the same number of forces we have at present, I may venture to say, that if such maxims should be established and pursued, it would be in the power even of the most wicked minister, to have always a majority at his command in both Houses of Parliament. In which case our Parliaments, like the senate of Rome under their emperors, or the present assemblies of the states in most of our neighbouring kingdoms, would serve only for giving countenance to the schemes of our ministers, and for rendering them more bold in their oppressions.

At present, Sir, we have more reason than usual for being afraid of such maxims. Several officers have been lately removed from their commands in the army; officers of almost every rank and station, and officers who could not be accused of any neglect or contumacy in their military duty; therefore some people take it upon them to say, that they were removed for some neglect or contumacy in that, which with respect to such maxims may be called their parliamentary duty.

They had the misfortune to differ from some gentlemen in their sentiments, and they had the honesty to declare their sentiments freely, and to vote accordingly in Parliament; soon after this they were removed from every post they had in the army, without any cause assigned: what can the world think of such removals? And I am sure every gentleman of this House, who believes that they were removed for voting in Parliament according as their conscience and their honour directed them, must join with me in opinion, that it is now high time to think of reducing our army, and of putting the military force of the kingdom upon some footing very different from what it has been upon for many years past. It is now the very beginning of a session: if we now resolve upon a reduction, we may have time to contrive and pass a Bill for regulating our militia so as to make it useful; but if we should now resolve upon continuing the same number of regular forces, I am sure, no gentleman can expect a proper concurrence or assistance in any such design, and therefore I am sure no gentleman will venture to propose any schemes for that purpose; for many objections may be made against the best scheme that can be proposed, and those who have not a mind to agree to any scheme, will always pretend to think the objections unanswerable; so that unless the question for a reduction, at a time of so profound a tranquillity, be approved by a majority of this House, no man can expect the approbation of the majority to any scheme he can propose; and no man

* See Vol. 3, p. 1381.

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will chuse to propose a scheme which he is sure will be rejected.

From what I have said, Sir, I think it will appear, that the question now before us is not, Whether by keeping up the same number of forces, we shall continue to neglect our Militia, for one year longer? But whether we shall continue to neglect it for ever? This, Sir, is truly the question now before us; and I leave it to every gentleman who has a regard for the constitution, or for the liberties of the people, or for the honour and safety of his native country, to consider what may be the consequences of his agreeing to such a question? For my own part I have done my duty; and if I should see our happy constitution overturned, and the liberties of the people destroyed; if I should see our maritime cities and towns plundered, and the honour of the nation exposed by that spirit of effeminacy and cowardice which will soon prevail among all those who are not of our army, and perhaps at last among them likewise, I shall at least have this comfort left, that I have done my duty in this House.

Sir *Robert Walpole* replied as follows:

Sir; I should be extremely glad to hear a method proposed by which we could provide for our safety both at home and abroad, without keeping any troops in our pay; but the honourable gentlemen who now seem to be for a reduction, though they have told us our neighbours keep up their regular troops only for supporting their arbitrary power, and though they have talked a great deal of the Militia, yet they have proposed no scheme for making the Militia of this kingdom useful, nor have they shewed us any method by which we can defend ourselves against the regular troops kept up by our neighbours, unless it be by keeping up some of our own. What reasons our neighbours may have for keeping up such large bodies of regular troops as they do, or, whether the Militia of this country may be so well disciplined as to be made equal to regular troops, are questions which I do not think very material at present; because, it is certain every one of our neighbours do keep up large bodies of regular troops, and it is as certain that our Militia, according to their present regulation, would be of no use for defending us against such troops; therefore till our Militia are made useful, till they are so well disciplined as to be able to defend us against regular troops, we can put no trust in them, we must keep up a sufficient body of regular forces; and as soon as I see such a Militia in this kingdom as may be safely entrusted with the defence of the kingdom, I shall then most readily agree to the disbanding of every regiment we have in our service, but that I am afraid will not, at least for some years, be the case.

Give me leave farther to say, that though I wish, Sir, as much as any gentleman in this House, our militia could be made as good as regular troops, yet in my opinion the thing is impossible. There is nothing, I am afraid, but necessity or pay, can make men be at the trouble and fatigue of training themselves up to the use of arms and military discipline; and as the people of this nation are not now under any necessity of so doing, I do not think you can ever get any number of them to submit to such discipline, unless you pay them for the trouble they are at, and for that part of their time at least which they employ in that way. By necessity I mean that natural necessity which men are brought under by the circumstances of the country they live in. In former ages all Europe was divided into a great number of little states or principalities, each of which was in some manner independent, and therefore they were often making inroads upon, and plundering one another: many of these little principalities were often united under one king or governor; but each of them had so much power within himself, and was so independent of the chief governor, that they were very tenacious of whatever they either pretended or thought to be their right, and their quarrels were oftener decided by the sword than by the laws of their country: this laid every man under an immediate necessity of accustoming himself to the use of arms and military exercises: and indeed most of them neither thought of nor practised much of any sort of employment. But ever since Europe has been reduced under the dominion of a few powerful potentates, the people live in security; those of the same kingdom or state have their differences decided by the law, and the differences that arise between two great sovereign states are oftener decided by treaty than by the sword; therefore the generality of the people in each state being free from those apprehensions their ancestors were perpetually under, have long since neglected the use of arms, and have applied themselves to arts and industry; but this general neglect of martial discipline has

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made it necessary in each country to keep up a body of regular troops; and this is the true and the natural reason for introducing that custom in every kingdom and state now in Europe. The supporting of arbitrary power cannot be the reason in every one of them, because regular troops are kept up in all the free states of Europe, and according to the exigencies and power of their government in as great numbers too as in those where arbitrary power has been established.

In this country, Sir, the people live in the same, or rather greater security as those of any other country in Europe, and for the same reason the generality of them have neglected, and will always neglect to train themselves up to war. They are now under no natural necessity of studying or practising that art; and if you should pretend to lay them under a legal necessity, I am afraid you will find it impracticable. Such a law, or such a scheme, may appear extremely easy in speculation, but I am convinced when you come to the execution, at this time you would meet with insurmountable difficulties. Let us consider Sir, that for keeping the militia always well disciplined, you must have them out at least twice a week to learn or to practise their exercises. If you should make Sunday one of the days, you may depend on it many of the clergy, of all sects and persuasions, would look upon it as an incroachment upon them, and would therefore preach against it; from whence many of your people would refuse to obey such a law out of a scruple of conscience; so that we might perhaps have martyrs for keeping holy the Lord's Day, which might at last produce a religious civil war in the kingdom. Two days out of six is what no labouring man can spare; nay, even one day out of six, to be spent in military exercise, without any pay, would be hard upon a poor labouring man who had a family to provide for: it would be a tax, and a severe tax too, upon every labouring man, and every man of business in the kingdom. Their time is their estate, and therefore it would be taking one sixth part of their estate from them, which, considering how low our estates are rated to the land tax, would be near equal to six shillings in the pound upon land. For this reason all the labouring men, and all the men of business in the kingdom, would think it a great grievance, to be obliged to spend one day of the week besides Sunday, at their military exercises, and what would our landed gentlemen, and our rich merchants and shop-keepers think, what would those gentlemen of this House who now seem to be so fond of a well-disciplined militia, think of being obliged to get up two days of the week, at five or six o'clock in the morning, wet or dry, to take a musket upon their shoulders, and to spend the whole day in painful exercise and fatigue? It would therefore I believe be impossible to oblige all the men of the kingdom to list themselves in the militia, and it would be unjust to oblige a few only, unless you paid them for that extraordinary service.

Gentlemen may talk, Sir, of making the people use military exercises by way of diversions; but it is certain the people will always chuse their diversions; if you establish any diversion by a law, it becomes a duty, and ceases to be diversion: The people will then look upon it as a business, and a very troublesome useless business too. Besides, Sir, no man that minds his real business or occupation, repairs to any diversion till his business be over, therefore no man has any set and unalterable time for his diversion: even Sunday itself is often incroached on, when necessary business requires. If you appointed one or two certain days every week for military exercise, which would be absolutely necessary, such appointment would often interfere with people's other affairs, with those affairs by which they are to get their bread, or provide for their families; and if you sent them to their officers for leave of absence, the obtaining of such leave would probably become a tax upon every man that had occasion for it, and the tax would rise in proportion to his ability, and the urgency of his business. We may from hence see, it is impossible to establish military exercise as a diversion: Such an attempt, especially if it were enforced by law, would raise a most general discontent and murmuring, and would consequently expose our present happy establishment to greater danger, than it can ever be exposed to by keeping up a small regular army, and leaving the rest of the people to pursue some industrious art or employment, or to follow such lawful diversions as they themselves shall chuse, without any let or disturbance.

Therefore, Sir, while we are surrounded with neighbours who keep vast armies of regular troops continually on foot, I must think it absolutely necessary for us to keep up some regular troops of our own, for defending our coasts and maritime cities

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from secret and sudden invasions, and considering the extensiveness of our sea coast, and the present unsettled state of affairs in Europe, I cannot think a less number sufficient than that we have now on foot. But, Sir, whatever may be said, whatever can be said, in favour of a well disciplined militia, can be no argument for a present reduction of our regular forces; because no man can say our militia is now under any tolerable sort of discipline, or that they are such a military force upon which our government can depend either for its own support, or for the protection of the people; and I must think it would be a sort of madness to give up that, or any necessary part of that upon which only we can now depend for our safety and protection, till we have provided something in its stead, upon which we may with some reason depend for our security, at least against foreign invasions.

Mr. *Henry Pelham* said:

Sir; My honourable friend who sits near me has so fully answered the gentleman who spoke against the motion, that I believe every gentleman here is convinced, that there is an absolute necessity of our keeping up a number of regular forces in this nation. But, gentlemen, give me leave to take notice of two or three things that were thrown out by the honourable gentleman over the way.

The honourable gentleman, Sir, seemed to be very apprehensive of the effects which the army may have upon the courage and morals of the subjects. For my part, I am so far from being of opinion, our regular army tends to depress the natural courage or the spirit of the rest of our subjects, that I am convinced a regular army of natives, well clothed, well paid, and kept under an exact discipline, will in every county tend to raise the spirit of the people, and to make their men in general affect to imitate that courage, that regularity of manners, and that discipline, by which they see so many of their countrymen, perhaps their relations, rise to honour and preferment; for if an army be kept under proper discipline, and preferments justly disposed of, a regular and virtuous behaviour in private life, as well as an exact performance of his duty as a soldier will always be made necessary for intitling a man to preferment in the army; and if the youth and high-mettled of every country are apt to keep company with, and imitate the soldiers, an army, under a right government, will always be of greater use towards establishing virtue and morality among the people in general, than any other set of men, not excepting even the clergy, can be. Indeed, if your government be in vicious hands, if favours and preferments in the army be distributed only to the lewd, the debauched, and the profligate, your army, like every other set of men who depend upon such a government, will contribute towards corrupting the morals of the people, and under such a government the militia would do the same; for preferment in the militia, as well as in the army, must always depend upon the government.

Liberty, Sir, does not depend, it never did depend upon the government's having or not having a regular army in their pay. The liberties of the people must always depend upon their virtue. The armies of a virtuous people will protect their liberties; and a luxurious, vicious people will sell them to the first purchaser, whether they have a standing-army or no. The Romans had great standing-armies long before they lost their liberties, and when they did lose them, Sir, the standing-army was on the side of liberty, at least on that side that had the greatest shew of it. We have now several free States in Europe who keep up, who have long kept up numerous standing-armies. In Holland, in Venice, in Poland, they keep up standing-armies, without thinking their liberties can from thence be in any danger. In Sweden it was their army that restored their liberties; and in this country it was our army that restored our liberties in the reign of king Charles 2, and it was our army that preserved them in the reign of his brother king James. In all countries the army will follow the general bent of the people from whence they are drawn, and if the general bent of the people be towards slavery, they will do as they did some time since in Denmark, they will make a free gift of their liberties: Then, indeed, an army may be so modelled, as to prevent the people's resuming the grant they have made; but such an army must not be an army like ours, it must not be an army whose very existence depends upon the annual consent of the people, and whose pay depends upon the grants annually made by a parliament tenacious of their own and the nation's rights. In this country I hope the general bent of the people is no way inclined towards slavery: I am sure some gentlemen have lost a great deal of

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pains if it is. And if there be a spirit of virtue and liberty among the people, the same spirit must prevail in our army, which is drawn from the people, and commanded by some of the best of the people; therefore it can never be supposed our army will countenance or support any measures that may tend towards establishing arbitrary power.

As to what has been insinuated as if soldiers were no better than the slaves of power, whatever it may be in other countries, the soldiers of our army, Sir, are as free as any other of our subjects. They are governed by the laws of the kingdom, as all other subjects are. There is, it is true, one law which relates particularly to them; but that law is fixed and certain, and publicly known; a soldier from thence knows his duty, and if he behaves like a good subject, and does his duty as a soldier, he can be subjected to no punishment; he is not under the arbitrary will and pleasure of any man in the kingdom, no not even of the king himself. Our soldiers are not, nor can they suppose themselves a body of men different from the rest of the people, on account of their being subject to a law which relates to them only. Every corporation, every society, almost every sort of tradesmen in the kingdom, have the same reason to think themselves a body of men different from the rest of the people; for every one of them are subject to some laws which relate only to the particular corporation or society of which they are members, or to the particular trade or profession they are of. Our militia are in the same circumstances; they are already subject to a law which relates to them only; and whatever new laws you may make for regulating our militia, I hope you would not take the command or the power over them out of the hands of the crown; for such a regulation, as it happened to be once before, I should look on as a total subversion of our present happy constitution. I can therefore see no reason why we should think our liberties in greater danger from a standing regular army than from a well disciplined militia; I am sure it is as much the interest both of the officers and soldiers of our army to preserve our constitution, as it can be of any set of men in the kingdom. The behaviour of the army under Oliver Cromwell can be no argument against our present army: Our constitution was then overturned; a set of men who had got into this House, had murdered their king, had annihilated the other House, had excluded even from this House every man who would not join with them in all their measures, and by these means had assumed to themselves an arbitrary power: In such circumstances the officers of the army thought they had as good a title to take the government of the nation to themselves, as to leave both the nation and themselves under the absolute power of any set of private men in the kingdom; and what was the consequence? That very army, as soon as they could find an opportunity, restored our constitution.

Arts and sciences, Sir, are the certain product of liberty and security; and ignorance and idleness are as certainly the product of slavery or a state of war. The security of the people being once established, it may for some time be preserved without any regular troops; but security makes them neglect to train themselves up to the art of war, and then a standing army becomes necessary for their defence; especially if their neighbours are provided with great numbers of regular troops. This is the natural course of things; it is, I believe, impossible to alter it by any regulation. The security of the people of this kingdom was established, and arts and sciences began to flourish, before we had any standing army; but a total neglect of military discipline was not then so general as it is now, nor were our neighbours provided with such numerous bodies of regular forces; therefore it might then be possible to preserve the security of the people without a standing-army, and yet now the case may be, and I think is, quite otherwise. Our neighbours are fully sensible of the great neglect of arms and military discipline among the generality of the people of this kingdom: They know how much superior their regular troops are to your militia; and if you had no standing-army they would be ready to insult you, to invade you, upon every occasion; therefore to protect the people against foreign invasions, a small number of regular forces is absolutely necessary, and I do not think it can be less than it is at present.

Then, Sir, with respect to insurrections and civil commotions, we may know from experience, and from late experience too, how ready a factious party are to fly to arms, though they are certain of the majority of the people's being against them; for the battle is not always to the strong,

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nor is victory chained to the most numerous army. In the late rebellion, I hope it will not be said the majority of the people were on the side of the rebels, and much less can it be said the majority of the people had any inclination or occasion to fly to arms for their relief or preservation; yet that faction flew to arms without any just provocation, depending for success upon the small number of regular troops we had then in our pay; and if it had not been for that number of regular troops, small as it was, those factious rebels might probably have overturned our government, and with it, our liberties. The case will always be the same, Sir, when you reduce your army too low, some faction or another will fly to arms, and in these several bloody contests, our constitution and liberties will probably at last be made a sacrifice; for though a state of perpetual discord and civil war may perhaps be better than a state of abject slavery; yet we find in most countries the people have at last chose to submit to arbitrary power, rather than to continue under, or renew the miseries of a civil war. Queen Elizabeth, it is true, had great reason to dread insurrections and convulsions at the beginning of her reign. She altered the religion she found by law established, and she had a pretender to her crown of that very religion; but the religion which was then established by law, was far from being established in the hearts of the majority of her people; and her establishing by a new law that religion which was before established in their hearts, gained her not only the hearts, the hands, and the purses, of the majority of her people, but proved her great and her chief security against the pretender to her crown. This secured the peace of the nation at home, and none of her neighbours having then any great number of regular forces in their pay, it was not necessary for her to keep up a standing-army, for securing her people against foreign invasions. His present Majesty will I hope upon every occasion find he has the hearts, the hands, and the purses of the majority of the people at his command; I am sure he has through his whole reign highly deserved it; but it cannot be said that our militia are now so good as they were in queen Elizabeth's time, nor the Protestants now so much united amongst themselves, or so zealous in the defence of their religion; and as every one of our neighbours now keep in continual pay vast armies of regular troops, it may be absolutely necessary for us to keep up a standing-army, though it did not appear to be so in the reign of queen Elizabeth.

I shall not say, Sir, that all the Jacobites are for arbitrary power; but I am sure the consequence of their succeeding in their scheme would be the establishment of it; and as for the Papists, if they understand the religion they profess, they must be for arbitrary power; for their religion can be supported by nothing but ignorance or arbitrary power: In former ages it was supported by ignorance, and now that veil is pretty well removed, it can be supported by nothing but inquisitions and arbitrary rule; we may therefore suppose, if the Papists amongst us should ever get the government into their hands, they would establish a despotic sway, in order to restore and support the religion they profess. As for ministers and their creatures, I do not know but many of them may have an itch for arbitrary power; but they are not the only persons infected with that disease: It is a disease incident to other men, I am afraid to most men, as well as to ministers; and we know by experience, in this country as well as in others, that ministers have been opposed, have been hanged or beheaded, under a pretence of their endeavouring to usurp arbitrary power, by men who have committed that very crime as soon as they found an opportunity.

I believe, Sir, it cannot be said our soldiers are the most abandoned set of men in the kingdom. I could name some other sets of men that do more mischief by their example. Some of the abandoned, do infinitely more. Soldiers may be lewd, profligate wretches, but where there is one so, I hope, there are at least ten otherwise; and the example of ten will always have a greater effect than the example of one. But if the majority of the army were supposed to be such wretches, it could be no argument for disbanding them; it would only be an argument for taking some method to put them under a better and stricter government; for it is certain the military law may be made much stricter and more severe than the common law can be made; therefore the army may be made to promote virtue by its example; and if any set of rogues should venture to oppose the civil power with force of arms, surely a few regular troops would be of great use for suppressing such a gang. From what happens while we have an army, we are not to

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judge of what may happen while we have none, or but a small one; none but smugglers have lately dared to oppose the civil power with force of arms; but if we had few or no regular troops, I make no question but other rogues, even house-breakers and highwaymen, would follow the example of the smugglers: while we have a sufficient number of regular troops, no set of rogues dare venture upon any such thing; if they did, I hope no gentleman of the army would think it beneath him, to march against those who appear in arms against their country.

I must say, Sir, I am sorry to hear any gentleman of this House make the most distant insinuation in favour of mobs and tumults. If any magistrate should oppress or injure the people, they may have recourse to, and will be relieved by, the laws of their country. To seek for redress in a mobbish tumultuous way is certainly illegal, and is often attended with mischief to the innocent as well as the guilty. Rogues generally take the opportunity of such public calamities to plunder without distinction; and the malicious take occasion to satisfy their own private malice and revenge: It ought therefore to be the chief care of every government to prevent mobs, or suppress them as soon as possible; and no method can be so effectual, as to have a few regular troops ready to obey the call of the civil magistrate upon such occasions; but you cannot have a few regular troops in every part of the kingdom ready to answer the call of the civil magistrate if you reduce any part of the number you have at present on foot.

Sir, the respect and esteem we have among foreigners does not depend upon our regular troops only, it depends likewise upon our navy, and the great number of regular troops they know we could have, and could maintain, in case they should provoke us to war: for this reason we are justly more respected and more feared than some other states who keep in continual pay as many troops as we do; because they keep up in time of peace as many as they could have or maintain in case of war; and have no such navy either to protect their own coasts, or to infest those of their enemy. But, surely, we are more to be dreaded by our neighbours, when they know we can immediately, upon a rupture, send out a superior fleet, with an army of 5 or 6,000 regular troops on board, to plunder and lay waste their country, perhaps for several miles up from their sea coast, than we should be, if they knew we could send nothing but a fleet against them, which could only bombard some few of their sea port towns: and while we have such an army as we have at present, they cannot propose to do us so much mischief upon a rupture by landing small parties here and there in the island, as they could propose to do, if we had no regular troops, or a less number of regular troops, to oppose the landing of such parties, or to intercept them in their return to their ships.

It is true, Sir, we cannot have a great body of regular troops in every part of the island where an enemy might land; but the small body of troops we have may be cantoned so as to have at least a regiment at or very near every place where an enemy could expect any plunder worth their while; and one regiment, with the assistance they would upon such an occasion get from the country people, would be sufficient to oppose the landing of a very large party, or at least to stop their progress; for one regiment of regular troops would add greatly to the spirit even of our militia, and would encourage them to take arms for the defence of their property. But supposing the army we have at present not sufficient for guarding all our maritime counties, it may be an argument for putting our militia on a better footing; but till that is done, it is an argument for increasing rather than for diminishing the number of forces we have now on foot. And while our army consists of natural-born subjects of Great Britain, no foreigner can, from our keeping a few regular forces in pay, suppose our government does not enjoy the affections and esteem of their own people: a mercenary army of foreigners kept up in the kingdom might give occasion for such supposition; but an army of subjects will always be liable to the same affections with the rest of the people, and will therefore always be a very improper instrument for supporting a hateful government, or for keeping a disaffected people in obedience.

Every convenience in this life, Sir, must be attended with some inconveniences; the inconveniences attending our keeping up so small a number of regular forces are so few and so small a consideration, it may be properly enough said we have felt no inconveniencies from our army; the meaning of which is, we have felt no such inconveniencies as ought to be regarded. If we had never since the peace kept up above one half of what we do at present, the saving that way

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would have paid no considerable part of our debt, and therefore could not have freed us from any of our taxes; and the quartering of soldiers is so far from being thought an inconvenience or expence to any county or city in general, that most parts of the kingdom are desirous of having soldiers among them; because it consumes a part of their spare provisions, and can be no burden or inconvenience to any but those who keep public houses, most of whom get more by what the soldiers spend in their houses, than the expence of their quarters can amount to. As for the insolence or rude behaviour of the soldiers, if any such thing happens, which I am convinced seldom does, the landlord is sure of getting justice done him in the most summary way, by a complaint to the commanding officer; and if he should fail of it in that way, he may get redress by complaining to a justice of peace; or for any assault, battery, or the like misdemeanour, he may have an action or indictment at common law against a soldier, as well as against any other man in the kingdom. And as for our liberties, I can see no reason why our soldiers should not be as careful of them as any other set of men in the kingdom; for very few of the officers, and none of the soldiers, can propose to better their condition, but must necessarily make it a great deal worse, by subjecting themselves and their country to arbitrary sway.

Now, Sir, with respect to the present situation of our affairs both at home and abroad, and the reasons that may from thence be drawn for keeping the same number of forces in our pay, at least for this ensuing year; whatever may have been the effect of our late measures, it is certain, that if the late peace between the Emperor and France be not such a one as it ought to be, it is so far from being an argument for reducing our army, that it is a strong argument for increasing it; for if by that peace the Emperor and France entered into any concert for prescribing laws to the rest of Europe, or for incroaching upon any of their neighbours, now is the proper time for breaking that concert, either by force or by treaty, because the Emperor is not now in a condition to perform his part of that concert, or at least not in such a condition as he will be, after he has brought the Turks to submit to what terms he shall please to impose. If immediate force should be found necessary, we must greatly increase our army; and if it should be proposed to be done by treaty, by reducing any part of our forces, we shall derogate from the weight we may have in any treaty to be set on foot for that purpose. But if there is really no such concert between the Emperor and France, as I believe there is not, have we not some reason to apprehend that France and her allies will lay hold of the present opportunity for gaining some new advantage, or for making some new conquest, from the Emperor, or from some of his allies? And while we are under such reasonable apprehensions, can it be said the present is a proper time for us to reduce our army?

We are not, it is true, Sir, to keep a land army for the defence of our allies, nor do any of them desire we should: they are all of them at vast expence in keeping up numerous land armies, and fortifying and keeping in repair their frontier towns, in order to provide for their own defence; but we stand engaged by treaty to furnish some of them with a body of regular troops as soon as they shall be attacked, and this engagement we could not perform, if we should reduce our army to a less number than it consists of at present. I shall likewise admit that we might in a year or two appear with great armies in the field, though we had not near so many regular troops in our pay as we have at present; but in that time some of our allies might be reduced to the last extremity, and perhaps obliged to submit to a peace on any terms. We all know how easily and how soon France reduced the whole kingdom of Spain after the death of their last king; which could not have been done, if we had been ready to have sent a great number of regular troops to the assistance of the party we had then in that kingdom: by this means the following war became much more heavy and expensive than it would otherwise have been; so that we paid severely for the little frugality we made use of in reducing our troops after the treaty of Ryswick; and if ever such a war breaks out again, the consequence will be the same, if we should render ourselves unable to assist our friends with a large body of troops, at the very beginning of the war.

Thus, Sir, I think it must appear that from the present situation of our affairs abroad, no reason can be drawn for an immediate reduction; and from the present situation of our affairs at home, there is I am sure as little reason for a reduction; for let the national discontents at present proceed from what they will, when these discontents are come so great a length as

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to break out in mobs and tumults in several places of the kingdom, it is not surely a proper time to make a great reduction of our army. I am as sorry as any gentleman can be, to find so many of our people uneasy and discontented; and I must be the more sorry, because I am certain they never had less occasion. It is not the debt we owe, it is not the taxes we pay, nor the continuance of those taxes, that are the true causes of our present discontents. The debt we owe was contracted for preserving our religion, our liberties, our properties, and every thing that can be dear to a people. Our taxes must be continued till that debt is paid, and our immediate preservation must in the mean time be taken care of. For this purpose no expences have been incurred, but what the wisdom of the nation hath thought absolutely necessary, nor any taxes imposed or continued but such as are the least burdensome to the people. We must therefore look somewhere else for the cause of our present uneasiness, and it is well known where we ought to look for it. There is a party amongst us who have been labouring for many years to overturn our present happy establishment; they can approve of no debt that has been contracted, nor of any taxes that have been or shall be imposed for the support of that establishment they are labouring to destroy: By means of the scribblers and other tools they imploy, they have persuaded multitudes of people, that our debt was unnecessarily incurred, and that a great part of it might have been paid off, and the taxes consequently abolished, if we had not every year, for many years past, run ourselves to a vast public expence, for which there was not the least occasion; like petty-fogging lawyers, who always find fault with an honest attorney's bill, in order to persuade the client to leave him and employ them; and as few men are themselves good judges of the case, such petty-foggers too often succeed; but when they do, the client always finds his lawyer's bills more extravagant, and his affairs at last entirely ruined. The case would be the same with this nation, if ever that party should prevail. I hope they never will. However it must be confessed, it is well known, that by means of the daily, weekly, monthly, and occasional libels they publish, and by means of the many orators they have in every place of public resort, they have poisoned the minds of many of his Majesty's subjects; in which their late success is chiefly to be ascribed to the law lately passed against the retail of spirituous liquors; for though every man of virtue or sense in the kingdom must approve of that law, yet it is certainly disagreeable to the lower class of people, of which our mobs are generally composed. This law I say, Sir, this most necessary law has added greatly to the success of the disaffected party amongst us: Nay it has made them so daring as to direct their libels against the parliament itself: They have of late even attempted to diminish that veneration which our people have always most justly had for parliaments; but this I am no way surprised at; for that party have never shewed any great liking to parliaments; and if we should disband any great part of our army, they would probably shew their dislike in a manner more effectual, or at least more dangerous, than that of writing or talking.

There may perhaps, Sir, be some soldiers in our army who would be glad to be discharged, but I am sure there are not many, unless it should be with a view of getting new levy-money in a little time after; and if they should be disappointed in that view, they would list with the discontented for nothing. But, Sir, if we should in a time of general discontent, and when insurrections are justly to be apprehended, offer to disband any of our soldiers, there are many who would desire to be discharged, not with a view to return to labour and industry, but with a view to join whoever should appear in arms against the government; for among rebels, a disciplined soldier may expect to be made a serjeant or corporal at least; and every serjeant would expect to be made an officer. Chelsea Hospital could receive but very few of the disbanded; it could not receive one half those who would expect to be put upon that establishment; and those who found themselves disappointed, would certainly imitate their betters, they would join with the disaffected; so that in every light we can consider it, a present reduction would be a diminishing the power of the government to preserve the peace of the kingdom, and an increasing the power of the disaffected to disturb the quiet of the people; and that at a time when the power of the latter has been, by a most necessary law, greatly increased. In a little time, perhaps in a few months, these discontents may subside; the lower class of our people will find they can live without the use of spirituous liquors, and that

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they live more healthfully than with them; they will then join with the rest of the kingdom in their approbation of that law, and then a reduction will not be so dangerous as it is at present.

Sir, I have already shewn why any army under a lawful and regular government, can never be supposed to behave in the same manner the army did under Oliver Cromwell; and if any attempts should be made to undermine our constitution by means of those maxims we have been frightened with, the parliament would interpose, the army itself would mutiny against such maxims; but I cannot see why we have at present any reason for being afraid of such maxims; for I am sure no man will pretend his Majesty would, or could be prevailed on to cashier any officer for voting or behaving according to honour and conscience. The behaviour of an officer may be influenced by malice, revenge, and faction, under the pretence of honour and conscience; and if ever any officer of the army, because his Majesty refused to comply with some very unreasonable demand, should resolve to oppose in every thing the measures pursued by his Majesty and his ministers, I should think any man a most pitiful minister, if he should be afraid of advising his Majesty to cashier such an officer. On the contrary I shall leave it as a legacy to all future ministers, that upon every such occasion it is their duty to advise their master, that such a man is unfit for having any command in his armies. Our King has by his prerogative a power of placing, preferring, and removing any officer he pleases, either in our army or our militia: it is by that prerogative chiefly, he is enabled to execute our laws and preserve the peace of the kingdom, if a wrong use should be made of that prerogative, his ministers are accountable for it to parliament; but it cannot be taken from him or diminished without overturning our constitution; for our present happy constitution may be overturned by republican as well as by arbitrary schemes. Therefore it must be left to his Majesty to judge by what motives an officer acts, and if he thinks an officer acts from bad motives, in duty to his people, in duty to himself, he ought to remove him.

The only question, Sir, now before us is, Whether we ought to keep up the present number of forces for this ensuing year? Next year the same question must again come before us, and then every gentleman may again vote as he pleases. There may be reasons peculiar to the present time, I think I have shewn some very sufficient and peculiar reasons for keeping up the same number for this ensuing year. In so doing I am sure I have done my duty; and if the nation should be insulted and invaded by foreigners; if a civil war should break out, and spread desolation and murder over the whole island if the Jacobites should prevail, and our religion, our liberties, and our properties should be thereby rendered precarious; I shall have some consolation in this reflection, that I endeavoured as much as I could to prevent our exposing ourselves to such miseries.

The question being at last put upon the motion for keeping up the same number of troops, it was upon a division carried in the affirmative by 246 to 178.

DEBATE IN BOTH HOUSES ON THE PRINCE OF WALES'S ALLOWANCE.*] February 22. This day Mr. Pulteney made a Motion in the House of Commons for an Address to be presented to his Majesty,

* "This year was marked by two domestic events, which proved highly prejudicial to the influence of sir Robert Walpole, and greatly contributed to hasten the close of his administration; the public opposition of the Prince of Wales, and the death of queen Caroline.

"Frederick Louis, prince of Wales, was born in 1707, and continued at Hanover until he had attained the 21st year of his age. George the second had found, from his own experience, the embarrassments to which government might be exposed from the opposition of the heir apparent, and dreaded the arrival of a son who might irritate the state of parties, and increase the ferment arising in the kingdom against the measures of the cabinet. He from time to time deferred his removal from Hanover, and did not send for him to England, until a concurrence of circumstances rendered it impolitic to permit his longer residence on the continent.

"Clamours were justly raised in England that the heir-apparent had received a foreign education, and was detained abroad, as if to keep alive an attachment to Hanover, in preference to Great Britain. The ministers at length ventured to remonstrate with the king on the subject, and the privy council formerly represented the propriety of his residence in England. The king, however, still hesitated, when an event occurred, which decided his choice, and induced him to accelerate the prince's departure from Germany.

"A long negotiation had taken place between the houses of Brunswick and Brandenburgh, for a double marriage between the prince of Wales and the princess royal of Prussia, and the prince royal of Prussia and

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that his Majesty would be graciously pleased to settle 100,000*l.* a year upon his royal highness the prince of Wales: and on the following day the same motion was made in the House of Lords by the lord Carteret. As the Arguments made use of in both Houses were necessarily pretty much the same, we shall give an abstract of the Debate in both Houses by way of Argument, Answer, and Reply. The Argument for the Motion was to the following effect:

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the princess Amelia. This negotiation had commenced in the reign of George the first, and was eagerly promoted by his daughter Sophia Dorothy, who had espoused Frederick William, king of Prussia. Both parties seemed to have desired this union with equal anxiety; but the capricious and brutal temper of Frederick William, and his sudden secession from the treaty of Hanover, had so highly offended George the first, that he ceased to favour the proposed intermarriages. Still farther obstacles were thrown in their way at the accession of George the second. The two kings, from their early years, had formed a violent antipathy to each other. The system of politics adopted by England increased this misunderstanding. Frederick William had been lured by the emperor to join the allies of Vienna, in opposition to those of Hanover, and his recruiting officers frequently made illegal inrolments on the Hanoverian territories.

"In vain the queen of Prussia endeavoured to reconcile her husband and brother, and to promote the conclusion of the family union, which she so earnestly desired. The antipathy of the two monarchs increased instead of abating, and the king of Prussia was endeavouring to arrange another alliance for his son and daughter, which both they and his queen highly deprecated.

"During the progress of this affair, the prince had formed an attachment to the princess of Prussia, and by the secret information of his aunt, the queen of Prussia, was apprized that her daughter felt an equal affection for him. The prince was now 21; his passion was inflamed by opposition, and being filled with apprehensions of losing the object of his affection, he adopted an expedient which proved the ardour of his attachment. He sent La Motthe, a Hanoverian officer, to Berlin, who obtained a private audience of the queen, in which he told her that he was commanded by the prince to declare his resolution of repairing incognito to Berlin, and secretly espousing her daughter, if their Prussian majesties would sanction this step with their approbation. At the same time he entreated the queen that it should be communicated to no one but the king. The queen received the message with a transport of joy, approved the design, and promised to keep the secret inviolable. The next morning, however, she disclosed it to Dubourgeay, the English envoy, observing, that she believed him to be so much her friend as to partake of her satisfaction. Dubourgeay expressed his concern that so important a secret should be confided to him, and declared it his duty to send immediate information to the king of England. The queen, conscious of the error which she had unwarily committed, conjured him not to betray her confidence, but he persisted in his resolution; and a messenger was immediately dispatched. The queen was greatly embarrassed at this unexpected incident, but trusted that the affair might be concluded before the return of the messenger from England, and so sanguine were their hopes of success, that the king of Prussia came from his hunting seat to Berlin, expecting the daily arrival of the intended bridegroom.

"But while they were indulging these hopes, information was received that the Prince had been sent for to England. George 2, on the intelligence from Dubourgeay, dispatched colonel Launay to Hanover for that purpose. The prince received these commands with respect, and instantly obeyed them. At the conclusion of a ball he set out from Hanover, accompanied only by Launay and a single domestic, traversed Germany and Holland as a private gentleman, embarked at Helvetsluis, and arrived at St. James's, where he was coldly received by his father.

"For some time after his arrival in England, the novelty of his situation, his little acquaintance with the language, his total ignorance of the constitution and manners of the country, and the dread which he seems to have entertained of his father's indignation, kept him in due submission, and prevented him from openly testifying his dissatisfaction. But as he increased in years, and became conscious of his dignified station, the estrangement of his father, and the restraint in which he was kept, naturally disgusted a young prince of high spirit, and increasing popularity, and the resentment which he had conceived against his parents, excited an antipathy to the minister, in whom they had placed implicit confidence. As he had a taste for the arts, and a fondness for literary pursuits, he sought the society of persons who were most conspicuous for their talents and knowledge. He was thrown into the company of Carteret, Chesterfield, Pulteney, Cobham, and sir William Wyndham, who were considered as the leading characters for wit, talents, and urbanity.

"His house became the rendevouz of young men of the highest expectations, Pitt, Lyttleton, and the Grenvilles, whom he afterwards took into his household, and made his associates. The usual topic of conversation in select society was abuse of the minister, and condemnation of his measures, urged with all the keenness of wit, and powers of eloquence. The prince found the men whose reputation was most eminent in literature, particularly Swift, Pope, and

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Sir; I have a matter of the highest importance to lay before you, a matter which chiefly concerns one of the greatest and most illustrious persons in the kingdom; but as the well-being of the nation depends upon his welfare and happiness, therefore I must justly say, the whole nation is deeply concerned in the affair I am now to take the liberty of laying before you; and as the parliament is his Majesty's first and chief council, there can be no question of a nature too high for our consideration;

Thomson, adverse to Walpole, who was the object of their private and public satire.

"But the person who principally contributed to increase his resentment against the king, and to foment his aversion to the minister, was Bolingbroke, who was characterised by the first poets of the age, as the "all-accomplished St. John, the muse's friend." The prince was fascinated with his conversation and manners. His confident assertions, and popular declamations, his affected zeal to reconcile all ranks and descriptions, the energy with which he decried the baneful spirit of party, and his plausible theories of a perfect government, without influence or corruption, acting by prerogative, were calculated to dazzle and captivate a young prince of high spirit and sanguine disposition, and induce him to believe that the minister was forming a systematic plan to overthrow the constitution, and that the cause of opposition was that of honour and liberty.

"So early as 1734, the misunderstanding between the father and son had increased to a very alarming degree, and the prince, encouraged by opposition, took a very injudicious step, which was calculated to provoke the king, and occasion an immediate and open rupture. He repaired to the anti-chamber, and without any previous arrangement, requested an immediate audience. The king delayed admitting him till he had sent for sir Robert Walpole, on whose arrival, he expressed his indignation against his son, and would have proceeded to instant extremities, had not the minister contrived to calm his resentment. He strongly inculcated moderation, and persuaded the king to hear with complacency what the prince wished to communicate.

"On being admitted, the prince made three requests, in a tone and manner which indicated a spirit of perseverance. The first was, to serve a campaign on the Rhine in the Imperial army; the second related to the augmentation of his revenue, at the same time insinuating, that he was in debt; the third was, his settlement by a suitable marriage. To the first and third points, the king made no answer; in regard to the second, he shewed an inclination to comply, if the prince would behave with due respect to the queen.

"The king had suppressed his anger on these demands of his son; but his resentment broke out with redoubled violence, when rumours were circulated, that the prince would apply to parliament for an augmentation of his revenue. The queen exerted all her efforts to soften the king's indignation, and the minister used every argument which policy suggested to incline him to moderation, and to induce him not to drive the prince wholly into the arms of opposition. These exertions had a temporary effect. The rupture was suspended, and the hopes of opposition were disappointed.

"The passion which the prince had entertained for the princess Frederica, being thwarted by his parents, preyed upon his mind and increased his disgust, and when the proposal of another union was imparted to him, he remonstrated with great marks of offended sensibility, and expressed his repugnance to espouse a princess whom he had not seen, instead of one whom he had seen and approved. When the arrangement was made for his marriage with Augusta, princess of Saxe Gotha, the prince of Wales sent for baron Borck, the Prussian minister, and complained with much indignation, that the king his father compelled him to renounce all hopes of espousing a Prussian princess. He requested him to lay his grief before the king his master, and to assure him that he was determined to have resisted all compulsion, and was only induced to agree to the alliance with the princess of Saxe Gotha, on being informed by his mother, that the king of Prussia had refused to give him his daughter in marriage. He expressed his heartfelt regret that he was not permitted to have the honour of forming an union with a family which he loved more than his own, and to which, from his earliest infancy, all his desires had been directed; he hoped, nevertheless, that the king would not withdraw his favour and friendship. He testified his concern, that he was to be connected with a house from which he could not expect that support, which he should have found in the king of Prussia, and lamented his hard fate in being condemned to remain under the severe controul of the queen his mother. He concluded by observing, that he must submit to his destiny, that he could not see, without grief, the king of England disdaining the friendship of a great monarch, without which the ruin of his house must infallibly ensue. The letter, in which Borck gave an account of this indiscreet conference to his master, fell into the hands of the king, and greatly irritated his inflammable temper.

"On the 27th of April 1736, the prince of Wales espoused the princess of Saxe Gotha, in whose beauty, accomplishments, and virtues, he forgot his former passion. But the marriage did not remove the unfortunate misunderstanding between the father and son, it rather had a contrary tendency. The increased expences of the prince's household, without an adequate increase of income, rendered his situation still

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for which reason every gentleman, who has the honour to be a member of either House of Parliament, has not only a right, but is in duty bound to lay before the House whatever he thinks may affect the happiness or the honour of his country. The affair I am now going to propose for your consideration is, indeed, an affair of so high a nature, that I should not of my own head have taken upon me to have mentioned it to you; but I have communicated my sentiments to several persons of the greatest

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more irksome. His revenue, although enlarged from 36,000*l.* to 50,000*l.* with the emoluments of the duchy of Cornwall, did not amount to 60,000*l.* a sum the prince and his friends deemed insufficient to support the dignity of his station. It became matter of public animadversion, that out of a civil list of 800,000*l.* he received only 50,000*l.* a year, although the king, when prince of Wales, received 100,000*l.* out of a civil list of only 700,000*l.* But while this was industriously circulated, it was not considered, that George the Second, when prince of Wales, had a large family, and that he had several younger children, for whom he was to make a provision out of the civil list, which was not the case of George the First.

"The marriage of the heir apparent greatly increased his popularity. The affability of his manners, the courtesy of his deportment, were contrasted with the phlegmatic reserve of George the Second. His protection of letters, his fondness for the polite arts, and his rising merits, became the favourite theme of popular applause, and of parliamentary declamation among the members of opposition.

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(See also p. 1221 of this vol.)

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"At length the misunderstanding arose to so great a height, that the prince threw himself into the arms of opposition. Bolingbroke, who had long advised the most violent proceedings, now laid down a systematic plan of proceeding to be followed by the prince, the first step of which was an emancipation from all dependence on the crown, by the acquisition of a permanent allowance of 100,000*l.* per annum, which the king should be compelled to grant, at the remonstrance, and under the guaranty of parliament.

"From the time that this scheme was first suggested by Bolingbroke, and which had been unadvisedly insinuated to the king, in 1734, before it was maturely weighed, the prince seems to have persisted in his resolution of appealing to parliament. Soon after his marriage, he mentioned his intention to the queen. The queen, perceiving that any advice would be ineffectual, affected to consider it as an idle and chimerical scheme; she treated it as a jest, and declared that there was not the least prospect of success. But her remonstrance had no effect. Urged on by Bolingbroke, whose last advice, before his retreat into France, was to pursue unremittingly this one favourite object, the prince at length determined to lay his case before parliament. He accordingly applied to the most respectable members of opposition, without any previous intimation, not with a view of asking advice, but of demanding support. Pulteney, though surprised at the unexpected request, declared a hearty inclination on his own part to promote the measure, but added, that he must consult his friends. Finding, however, the prince determined to persevere, he engaged for the unanimous consent of his particular friends, and offered to make the motion himself. Sir John Barnard promised his support, and sir William Wyndham answered for the Tories; observing, that they had long desired an opportunity of shewing their regard and attachment to the prince. He also declared that all his party were anxious to prove by their zeal, the falsity of the reproaches cast against them, that they were Jacobites, and to shew that they were misrepresented under that name.

"Dodington, afterwards lord Melcombe, was the first person connected with government, to whom the prince imparted his design, and to him it was declared only on the 7th of February. Dodington gave a striking proof of firmness and integrity, by declining to support a scheme pregnant with so many evils, and made strong and sensible remonstrances to induce the prince not to press any farther a measure which must render all who voted desperate either with the possessor of, or successor to the crown; but all his efforts were ineffectual.

"No information was conveyed to the king, and the minister did not receive the least intimation of the business, or even suspect it, until the 13th of February. He was never before engaged in any transaction which gave him more concern or greater embarrassment. He was aware that 50,000*l.* a year was inadequate to the dignified station of the heir apparent, and yet convinced that the king, incensed as he was against his son, could not be persuaded to increase that allowance. He was not however intimidated by a dread of offending the heir apparent, who might one day become his master, and did not shrink from his duty to his sovereign and to his country; but resolved to support the king in his just prerogative, and to oppose a measure which he considered as no less unconstitutional than disrespectful. He lamented, however, that the king had imprudently delayed to make the prince a permanent allowance of 50,000*l.* a year, in the same manner as George the First had granted his allowance when prince of Wales, and that he had not settled a jointure on the princess. Walpole was not ignorant that the prince derived from these circumstances just cause of complaint, and that until

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rank and best abilities in the kingdom, persons with whom I should chuse to live, with whom I should chuse to die; and all of them, find, are of the same sentiments with me: they all of opinion, it is an affair which ought to be laid before parliament, therefore I shall take upon me to mention it to you, and to make you a motion which I hope will be unanimously agreed to.

The Commons of Great Britain in Parliament assembled, have not only an undoubted right to make such grants as they

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that was removed, the opposition would have great advantage in the argument. In consequence of these sentiments, he used all his efforts to obtain a concession of these points, and finally conquered the repugnance of the king.

"But the ungracious manner in which this was offered, widened rather than repaired the breach. The minister summoned a meeting at his own house, at which were present, the dukes of Newcastle, Grafton, and Devonshire, the earl of Scarborough, Horace Walpole, and lord Hardwicke, recently nominated lord chancellor, on the death of lord Talbot. Walpole informed them, that he had, though not without the greatest difficulty, prevailed on the king to render the prince's allowance independent, and to settle the princess's jointure, and that his majesty had been pleased to give him authority to announce to the House of Commons, when the motion was made, his consent to both these points. The chancellor objected, that if this declaration should be first made in the House of Commons, without properly acquainting the prince, or his treasurer, it would have the appearance of an intended surprise. He added, that the friends of the royal family might think themselves ill used, if they were reduced to so great a difficulty as that of voting in a dispute between the king and the prince, when perhaps such previous information as he recommended might have prevented the motion.

"To this sensible representation, the minister replied, that it was in vain to imagine the king could be reduced to so low an act of submission, as to permit any private communication of this kind, after the steps the prince had already taken. The suggestion, however, of the chancellor made a due impression, and Walpole persuaded the king to send a message to the prince, by some of the lords of the cabinet council.

"Accordingly, on the day in which lord Hardwicke received the great seal, while he was waiting in the antichamber with the dukes of Newcastle and Argyle, the earl of Wilmington, and other lords of the council, sir Robert Walpole came out of the king's chamber in a hurry, holding a paper in his hand. Calling all the lords of the cabinet to the upper end of the room, he read to them the draught of a message, in his own hand-writing, and acquainted them, that it was the king's pleasure, it should be immediately carried to the prince by the lord chancellor, lord president, lord steward, and lord chamberlain.

"The draught was not fairly transcribed, and several of the lords complained, that the whole business was transacted with such precipitation, that sufficient leisure was not allowed to consider the terms of the message. The time pressed extremely, and the place was highly improper for such momentous consultation. For the company which assembled to attend the levee filled the room, and could not avoid hearing many of the things which passed in the course of conversation. The chancellor, however, ventured to object to the expressions, 'the undutiful measures 'which his majesty is informed your royal 'highness intends to pursue;' but it was replied by the minister, that the king insisted on the word undutiful, and that it was with great difficulty he was induced not to add severer epithets. The chancellor, however, persisting in his objection, the word 'intends,' was changed for 'hath been advised to pursue.'

"The chancellor took Walpole aside, and expostulated with him on the hardship of making such a disagreeable errand the first act of his office. The minister answered, that he had hinted this to the king, 'as far as he durst 'venture in so nice a case,' but the king prevented all farther discussion by exclaiming, 'my chancellor shall go.'

"The expostulations of the chancellor, however, produced a variation in point of form; instead of only four officers of the crown, the whole cabinet council was ordered to attend with the message. It then growing late, sir Robert Walpole acquainted them that business of consequence was expected in the House of Commons, that he and sir Charles Wager must attend, and they both went away, leaving the foul draught of the message. Lord Hay, under a pretence of attending the House of Lords, also retired.

"When the ceremony of giving the great seal was over, the remaining lords of the cabinet deliberated in the council chamber on the mode of executing their charge. The message was not yet copied, and a rumour was circulated, that the prince was going to the House of Commons; the lord steward and the lord chamberlain were deputed to inform him, that the lords of the cabinet were ordered to attend with a message from the king, and requested to know where he would receive it. He answered, in his own apartment. As soon as the fair copy was compared with the draught, the lords went to the prince, and being shewn into the levee room, the chancellor kissed his hand, on being appointed to his high office, and received his congratulations. The door being then closed, he read the message over audibly and distinctly.

"The chancellor having concluded, there

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think are necessary for the honour and welfare of the nation, and to appropriate those grants to the uses for which they intend them, but likewise, Sir, they have a right to follow those grants, to examine into the application of them, and to punish those who shall be found to have misapplied them. Nay farther, they may annex to their grants such conditions as they think proper, and if those conditions should not be performed, or if the occasions for which the grants were made should cease, they

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was a short pause, and a profound silence ensued. The prince looking about him, said, my lords, 'Am I to return an immediate answer?' To which the chancellor replying, 'if your royal highness pleases,' the prince then delivered a verbal message to the following import: [see it at p. 1407.]

"When this Answer was reported to the king in the evening, by the lords, he looked displeased, but made no reply.

"The situation of the minister was rendered more embarrassing at this particular period, from the ill health of the king, who was at that time so indisposed as to give real apprehension, that he could not long survive. Hence Bolingbroke, in a letter to sir William Wyndham, expresses his astonishment at Walpole's imprudence, in offending the heir apparent, who was likely to become his master, and the duchess of Marlborough thought his conduct no less incomprehensible. This circumstance had given to opposition a great accession of strength, but had no effect on the conduct of Walpole.

"On the 22d Pulteney made his motion for an address, requesting the king to settle 100,000*l.* a year on the prince of Wales, and the same jointure on the princess as the queen had when she was princess of Wales, assuring the king, that the House would enable him effectually to fulfil the same. The great points which Pulteney, and those who supported the motion, laboured to prove, were, that the prince had a claim to the proposed allowance, founded on equity and good policy, and a legal right, founded on law and precedent, and that the revenue of the civil list had been granted to George the First, and afterwards augmented under George the Second, on the express, or at least implied, condition, that, out of that revenue, the sum of 100,000*l.* should be reserved for the prince of Wales, as a permanent and independent establishment, which the king had it not in his power to withhold. Pulteney supported the principles on which the motion was founded with great ability, and with a long series of historical references to heirs apparent and presumptive to the crown, who, he maintained, had received an independent and permanent allowance. He concluded by anticipating several cogent objections to the proposed address, arising from the impropriety and indecency of interposing between the king and the prince, between the father and the son, and of interfering with the prerogative of the crown.

"The minister in reply, began by observing, that he never rose to speak upon any subject with a deeper concern, and a greater reluctancy, than he did on the present important affair. He expressed the concern and embarrassment under which most members of that House must lie, in giving their votes or opinion; if they declared in favour of the motion, they must seem to injure the royal father, their sovereign, or by declining the motion, seem to injure the royal son, and apparent heir to the crown. But he would declare his sentiments with freedom, because from his personal knowledge of the two great characters, he was satisfied that neither of them would think himself injured, because any gentleman gave his opinion or vote freely in parliament; and he was convinced that the prince of Wales had so much wisdom, and such a true sense of filial duty, that he would never consider as a favour bestowed on him, what had the least tendency towards offering an indignity to his father.

"He supported the prerogative of the crown, and the right of the king to dispose of his civil revenues, without the interference of Parliament, and to suffer no controul in the management of his own family. In the course of his speech, he communicated the substance of the message which had been sent by the king to the prince, and declared that 50,000*l.* a year, exclusive of the revenues arising from the duchy of Cornwall, was a competent allowance, and as much as the king could afford out of the civil list. He expatiated on the impropriety of interposing between the father and son, deprecated the attempt to make a breach between them, entered into an historical examination of the several precedents mentioned by Pulteney, and denied that any foundation for such a parliamentary interposition could be found, except a single precedent under Henry the Sixth, whose reign was so weak, that the Parliament found it necessary to assume several rights and privileges, to which they were not properly entitled. He declared, that the prince had neither a claim from equity or good policy, and still less a right, founded on law or precedent, and he mentioned that the revenues of the civil list had been granted unconditionally to the king, without the most distant allusion to a stipulation, that 100,000*l.* per annum should be paid to the prince of Wales.

"The reasons urged by Walpole in contradiction to those advanced by opposition, sufficiently proved, to all dispassionate persons, that the motion was not founded on law, good policy, or precedent, and were not invalidated by the reply of Pulteney, in summing up the arguments on both sides. But a confident and plausible assertion, advanced by a supporter of the motion, made a deep impression on the

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may resume them, or may direct their being applied to uses of a quite different nature. This, I say, is the undoubted right of the Commons of Great Britain; and therefore, if any money formerly granted by parliament has not been applied, or has not been properly applied, to the use it was intended by parliament, we have not only a right, but it is our duty to examine into it, and to direct, that for the future, it may duly, and in the most proper manner, be applied to that use for which it was granted.

House, and seemed to vindicate the proceedings of the prince, and to arraign the conduct of the king.

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"Full credit was, at the time, given to this statement, as well because it was ostentatiously displayed by two of the prince's servants during the debate, as because the minister, to prevent great heats and animosities, made no immediate answer, and several persons were induced by this representation to vote in favour of the motion, which was negatived by a majority of only 234, against 204. This small majority of 30 would have been reduced to a minority, had sir William Wyndham been able to fulfil the promise of support, which he made to the prince in the name of his party. But forty-five tories considered the interference of parliament as hostile to the principles of the British constitution, highly democratic, and such a dangerous innovation, that they quitted the House in a body before the division; an act highly honourable to those who refused to sacrifice their principles to their party.

"On the 23d, the same motion was made in the House of Peers by lord Carteret, and a similar debate ensued. It was negatived by a large majority of 103 against 40, and a protest was inserted only by fourteen peers." Coxe's Walpole.

The following curious Narrative is taken from the Appendix to the fourth edition of Dodington's Diary:

A NARRATIVE *of what passed between* THE PRINCE AND MR. DODINGTON, *and afterwards between* SIR ROBERT WALPOLE AND MR. DODINGTON, *upon the Resolution of his Royal Highness to bring a demand into Parliament, for an Augmentation of his Allowance to* 100,000*l. per ann. and for a jointure upon the Princess.*

"On Monday, the 7th of February, 1736-7, being informed that the prince went to bed indisposed, I thought it my duty to go to his lodgings next morning (Tuesday the 8th) to inquire of the pages of the back stairs after his health. I found his saddle horses in the court; they told me he was pretty well, and insisted upon letting his royal highness know I was there. I would not admit of it, being obliged, that morning, to attend the treasury, and the House; but, before my coach could drive off, one of the pages overtook me with a message from the prince to attend him.

"I found him with the servants in waiting about him, his boots on, and powdering his hair, to ride out. After having finished his dress, he directed the gentlemen to withdraw; and then, with his usual goodness, was pleased to talk to me very freely, upon the state of his Majesty's indisposition, and upon several other subjects, relating to transactions, and persons, of a public nature.

"After half an hour spent in this kind of conversation, I humbly offered to take my leave; but he commanded me to sit down again, and then said that he would communicate a secret to me of great importance, in which he should desire my assistance, and designed partly to employ me. I answered, that if his royal highness was pleased to trust me with a secret, I had one favour to ask, which was, that he would tell it to nobody else, and then I would be answerable it should remain a secret. He told me that it was not of that nature; that it would be known; that several people now knew it; but that no one servant of the crown, as he believed, was acquainted with it: that having always had more kindness, and affection for me, than for any body, he thought he owed it me (as he was pleased to express himself), to communicate it to me, the first of any of the king's servants, and by his own mouth: that those who were chiefly concerned, and engaged in it, were apprised of this his resolution, and not only approved, but even advised, that I should be the first of the court made acquainted with it.

"Exceedingly surprised as I was at this unexpected prelude, I only returned thanks, in the best manner I was able, for the gracious and condescending expressions he was pleased to use, and really did not guess (as I naturally might have done, if I had not been surprised) what it tended to. He then entered into very bitter complaints of the usage he had, all along, met with from the administration, and even from their majesties: that he was not allowed where-withal to live, &c. that he was resolved to endure it no longer, and had determined to make a demand in parliament of a jointure for the princess, and of 100,000*l.* per ann. for himself, which his father had, when prince, and which he looked on to be his right, both in law and equity. I objected to the very great danger of such an undertaking; put his royal highness in mind, how strongly I had always been against it, when he formerly mentioned it; and was going to show the fatal consequences it must produce, besides the great improbability of success. But he interrupted me, and said, that it was too far gone for those considerations; that he did not ask my advice, but my assistance; he was determined upon the measure, and designed to send and speak

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After having thus mentioned to you, Sir, one of the most undoubted Rights of Parliament, I shall next take notice that by an ancient and most reasonable maxim in our constitution, the prince of Wales, the eldest son of the King, and heir apparent to the crown, ought to be made as free and independent as any other subject whatever; and for that purpose he ought not only to have a provision sufficient for supporting the dignity and grandeur of his high birth, but that provision ought to be

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with my particular friends, namely, sir Paul Methuen, lord Wilmington, and the duke of Dorset; but chose out of kindness to me, to acquaint me first with it: that he would send to sir Paul by sir Thomas Frankland, and asked me, if I would break the matter to them, and what, I believed, they would think of it. Sensible of the danger and difficulties that attend negotiations of this delicate nature, even among the best friends, I replied, as to the first part, that I humbly begged to be excused from breaking it; that whatever friendship those gentlemen did me the honour to admit me to, I thought it a matter too high to undertake: that, as he had mentioned his intentions of sending to them, and as they were, by their rank, and affection to his royal highness, every way qualified to be consulted, I thought it highly proper that he should know their sentiments from their own mouths, in an affair of this very great importance; that then, what they said to his royal highness, could not be mistaken, and what he was pleased to say to them could not be misrepresented. As to what they would think of it, I was confident, by what I felt myself, that they would be infinitely surprised; too much so, in my judgment, to give his royal highness any positive and determinate opinion. He said, he did not want their opinion, but their assistance, and what would my friend the duke of Argyll do? Be extremely surprised too, without all doubt, Sir, I replied: I do not know what he will do; but I am confident, I know what he would not do, which is, he would not advise your royal highness to this measure. He answered, that the measure was fixed, that he was resolved, and wanted no advice, but he would not send to him, nor to lord Scarborough, but to the duke of Dorset and lord Wilmington he would send, being resolved it should come into the House of Lords the same day, or soon after, let the fate of it be what it would in the House of Commons. He stopped here a little, and used some expressions, as if he would have me to understand, that he had said enough about all those that he thought I lived with in the closest connexion. I endeavoured, after assuring him with what affectionate duty we had always been his sincere servants, to show the great improbability of success in such an undertaking; but he cut me short, and said, none at all, that there were precedents for it; and mentioned that of the princess of Denmark, in king William's time: that all the opposition, and the tories were engaged in it: that as it was his own determination, and he had been advised by nobody, when he had resolved it in his own mind, he thought it necessary to speak to people himself; he had done so, to Mr. Pulteney, lord Carteret, lord Chesterfield, master of the Rolls (Jekyll), and sir William Wyndham; that they were all hearty in it: that Mr. Pulteney, at the first notice, expressed himself so handsomely, that he should never forget it: but said he could, at that time, only answer for himself, not expecting the proposition, but begged leave to consult with some of his friends; which his Royal Highness granted him, and he had, since, assured him that they were unanimous: that sir William Wyndham had said, that he had long desired an opportunity of showing his regard and attachment to his Royal Highness; that he would answer for his whole party, as well as for himself; and that he was very happy, that an occasion presented itself to convince his Royal Highness, by their zealous and hearty appearance in support of his interest, how far they were from being Jacobites, and how much they were misrepresented under that name. [N. B. He spoke in the debate, but did not vote, and forty-five tories were absent.] That lord Winchelsea was gone down to Petworth, to bring up the duke of Somerset, who he thought would move it in the House of Lords: that Mr. Sandys, sir Thomas Saunderson, Mr. Gibbon, Mr. Waller, sir John Barnard, and several others, were acquainted with it, and highly approved it: that, possibly, sir John Barnard might move it. He then asked me, if I had really heard nothing of it from the court. I assured him, with great truth, that I had not; from whence he was pleased to infer, how generally odious the minister must be, that nobody would tell him a thing that so nearly concerned him, when by his Royal Highness's calculation of those that knew it, and asked leave to consult their friends, there could not be less than from forty-six to fifty that must be acquainted with it: he added, that it would make an end of his power, or to that effect, which I had no reason to be sorry for. I told him that, indeed, I had no reason, nor did I pretend to be partial to the minister, but it was my misfortune to differ so far from his Royal Highness, that I thought this measure would be the most effectual one to secure and strengthen him. He seemed much surprised at that, and asked my reason. I said I thought so, because the minister had, I believed, long since experienced, that he could have no hopes of governing by the approbation, and affection, of the people: that his only security, therefore, was his favour, and hold at court: and in my poor opinion, this unhappy measure would make the King's cause, and his, inseparable, and rivet him yet faster where his only strength

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settled upon him in such a manner as to put it out of the power of any person to disappoint him of it; not only his title to it ought to be made as firm and irrevocable, as any other private title in the kingdom can be, but he ought at least, as soon as he comes to be of the age of fourteen, to be put into the actual and immediate possession. This has always been held as an established maxim in this kingdom, and we find our parliaments have often interposed, and have taken upon them to en-

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lay. I then humbly begged him to consider the circumstance of time; how far it might be consistent with the known greatness and generosity of his character, to make such an attack, when his father was in a languishing condition. He replied, that he was sensible of that, but he could not help it: he was engaged, and would go through: the King could not live many years, but might linger thus a good while, and he could not stay that while: that the time, indeed, had its inconveniences of one sort, and he wished it otherwise, but it had its conveniences of another; it would make people more cautious, and apprehensive of offending him: that, besides, he had told the Queen of it in the summer, and assured her that he designed to bring it into Parliament; that she had treated it as an idle and chimerical; that it was impossible that he should make any thing of it, and seemed to think he was only in jest; that if his friends stood by him, he should carry it in the House; but if he missed there, he could not fail of it in six months: that I should know the family as well as any body; he always thought I did; but found that I did not, or would not: but he himself knew his own family best; and he would make a bet that, if he failed, now, he gained his point in less than a twelvemonth, by this means: in short, he was resolved, and too far engaged in honour to go back: that it was his due, and his right; absolutely necessary to make him easy the rest of his life: he could never want his friends but on this occasion: those that would stand by him in this, he should always look on as his friends, and reward as such; those that would not, he should not reckon to be so, they would have nothing to expect from him; and several other expressions to that purpose: that it was to be brought in soon; in what shape, whether by address, or otherwise, he believed was not yet settled, but soon it must be. I made no particular answer to this last part, but only expressed my concern for the consequences; and waiting on him down stairs to his horse, begged of him to consider, how necessary it was to delay it from the great impropriety of the time. He said, if a little time would do, it might be considered, but the King might linger out the session in the same way. I took the liberty to ask, what would be the ill consequence if that should happen, and it should go over to another session. He said that could not be, his honour was too far engaged; he could not, he would not stay.

"Here this conversation ended, without any direct demand to vote for this proposal, on his side; and without any direct promise, or refusal, on mine; and I left his Royal Highness with very great uneasiness and perplexity upon my mind, considerably augmented by the great ease and tranquillity that appeared upon his: which is the natural effect of great resolutions, when they are fixed and determined.

"Upon reflection on what had passed, finding it was resolved to apply, personally, to the duke of Dorset, lord Wilmington, and sir Paul Methuen, I thought it a duty of the friendship in which we had, so many years, lived, to prepare them for so disagreeable a conference: and first, as he was to be called on the next day but one, I acquainted sir Paul Methuen with it. We joined in lamenting the fate of this country, to be divided and torn to pieces by a disunion in this royal family, which, with so many ardent wishes, with the profusion of so much blood and treasure, we had, at last, so happily placed on the throne, to end all our divisions, and protect us in union and tranquillity. We agreed that sir Paul Methuen should not seem to be any ways apprised of the cause of sending for him, but should lay hold on all overtures that should be given him, to represent strongly to his Royal Highness the very fatal consequences of this undertaking; and by no means give him any the least reason, or encouragement to think, that he would vote for it.

"I then opened the matter to the Lords. We had several conferences upon it; and agreed to communicate it to lord Scarborough, by the duke of Dorset. The Lords unanimously agreed to do their utmost to prevent this ill-advised attempt (if they were sent to), and not to be hindered, by any interruptions, from representing strongly to his Royal Highness, the fatal consequences of it. But in case he persisted in it, to declare plainly to him, that they should think themselves obliged in conscience, and in honour, to oppose it, as fatal to his Royal Highness, injurious to the King, and destructive to the quiet and tranquillity of the whole country; and desired me to do so too, in case it should be my lot to be first called upon.

"Sir P. Methuen was not sent for on Thursday, which gave me some hopes (vain ones indeed) that the great coldness I had received the proposition with, might have had some weight. On Friday the 11th, I received a message from the Prince, at Mr. Stanhope's, where I dined, to attend him next morning to Kew. I was not sorry for the opportunity, being resolved to leave no ambiguity in his Royal Highness's mind about my behaviour, and very apprehensive that names going about, and misrepresented as doubtful upon so important a point (how insignificant soever) might influence, or mislead unwary people. Before we rose from ta-

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force the observance of this maxim. Upon his late Majesty's happy accession to the throne the parliament was then so sensible of the utility and reasonableness of this maxim, that they granted a very large addition to the Civil List Revenue, in order that an honourable and a sufficient provision might be settled upon his present Majesty, who then was prince of Wales; and it having been found during his late Majesty's reign that the Civil List Revenue particularly appropriated for maintaining

ble, at Mr. Stanhope's, a servant brought me word that sir P. Methuen had been at my house, and left word that he was gone home. I went directly to wait on him. He was then just gone from the Prince, to whom he had represented the danger and impracticability of this measure, with all the force and weight that became so honest and so honourable a man; and used all possible arguments, that a good head and a good heart could suggest, to dissuade him from it; but all without effect: that he then declared to him, that he could not be for him; but, at the importunate and repeated request of his Royal Highness, and reflecting that he had not attended the House, so as to give one single vote since the excise bill, he had been prevailed on to promise his Royal Highness to be absent, as he used to be.

"On Saturday the 12th, early in the morning, I received a message from the Prince, that he had put off his journey to Kew that day. However, being willing to come to an explanation, it was thought proper that I should place myself in the way, and go to his Royal Highness's apartment, to inquire after his, and her Royal Highness's health. The Pages told me that he was not come from the Princess's bed-chamber, but was pretty well, and had altered his resolution of going to Kew. I went away on foot, and did not return home all the morning. Just before three, one of the Prince's servants found me in the Park; told me he had been at my house, but the servants knowing nothing of me, he had been all over the town after me, to let me know there was a mistake in the morning message, and that the Prince ordered me to dine with him, that day, at his house in Pall Mall.

"I dressed, and got thither before his Royal Highness, but not before the company, which consisted chiefly of his bed-chamber. When he came, he desired the gentlemen to amuse themselves, and that he would take a walk with me till dinner. In the garden after a little common conversation, he began by telling me that he had seen sir Paul Methuen, and insinuated that sir P. seemed well enough satisfied with the proposition. I said I was infinitely surprised, and mortified that I should differ with him in opinion, in an affair of such consequence considering the long friendship between us, which implied some similitude of thinking. Upon which, he receded a little from that, and seemed to give me leave to think that sir P. did not much approve of it, but, however, had promised to be absent. Then he said he had talked to several people, and they all entered into it most heartily. Having taken my own party I did not think proper to inquire who they were, though I was very curious to know; being persuaded (and I am so still) that there could not be one unprejudiced man in the nation of competent age, weight, and experience, to advise a Prince, that would approve of such a measure. After some pause, he told me he had spoken to Mr. Hedges (his treasurer) and lord Baltimore (of his bed-chamber) who were zealously for it. I said no doubt his servants would vote for it; nobody could take it ill of them; they would have leave to do it. He answered, that it was no matter whose leave they had, so he had their votes. He added, that he had spoken to Mr. Arthur Herbert, who not only engaged for himself, but would bring in all his friends. I smiled, and said, I did not apprehend that he could make any vote but his own. [His brother was in France.] He said he would bet Mr. Herbert could make above five. I replied, that, if it were so, it must be by making use of his Royal Highness's name. He said, that every body was for him: he was absolutely determined to bring it in: he would hear no advice upon it; and if there were but seven in the House of Commons, and three in the House of Lords for him, he would do it. I told him, that since he was absolutely determined, I thought it necessary to lay my humble opinion before him, when he would please to receive it. He said, he did not want my opinion, his party was taken. I replied, that I did not presume to offer my opinion as what was to guide his actions, but to lay before him what was to direct and govern my own; which I should be glad to take the first opportunity of doing, this not being a proper one, because I saw one of the gentlemen coming to acquaint his Royal Highness that dinner was served. He took no notice of that, but walked into the wood, and said that he would show me the duke of Somerset's letter, which he did. It contained a pretty long account of the precarious state of his Grace's health, which made it impossible for him to come to town: referred to lord Winchelsea for his opinion of the communication he had received of his Royal Highness's intentions; and concluded by wishes that his Royal Highness may live many years in health, prosperity, and plenty: he made me take notice of the word plenty. I said that, with humble submission, this letter did not seem to me to amount to a promise, nor gave the least prospect of his Grace's coming to town. He said it was no matter, he should have his proxy, which was the same thing [as indeed he had.] He then with a great deal of vehemence, fell upon the difficulties he lay under: that as he had sacrificed himself to the nation, by demanding a marriage (though the princess was the best,

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the honour and dignity of the crown was too small, therefore a very large new addition was granted by the first parliament of his present Majesty's reign, in order that he might be enabled to continue the same provision for the present prince of Wales, which he himself had enjoyed in the lifetime of his father. From all which I must conclude, that the motion I am to make, for having a sufficient provision settled upon his royal highness the prince of Wales, is a motion founded upon law, upon

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and most agreeable woman in the world,) the nation ought to stand by him; that if the people would value their employments more than right and justice, he could not help it; though he was so strong that he was sure the court durst not touch any one that voted for him. I got an opportunity of putting in a word here, and said, that I saw very well, little regard would be had to any professions of not being biassed by one's employment, though I thought my behaviour towards those in power plainly showed (and to nobody more plainly than to himself) that I was not very solicitous about mine: but I did, in my conscience, think (and believe that every honest man, whose circumstances were above necessity, would think) this matter to be far above any pecuniary considerations: that a breach, so irreparable as this proceeding must occasion, would, for the future, take off all the grace and lustre of any employment of either side: that no man of honour above necessity, could serve, for the future, with pleasure, under the uneasy apprehensions that duty on the one side might be misconstrued into disaffection on the other: and therefore, I humbly besought him to believe that gentlemen, in this great case, would lay aside those lesser considerations, and act upon superior and more affecting motives, their duty to the whole, which I thought evidently in danger. He replied, that it was to no purpose to talk about things settled and resolved amongst friends: that it was very hard he should be all his life in want, and the only one in the nation that was not to have justice done him: that, now was the time, and the only one, for people to do what they owed him; that he should expect it of them; he asked his right, and neither apprehended, nor foresaw, any ill consequences from it. I asked him, if he did not think it very dangerous to him to drive things to such an extremity between him and his father, as might make it the interest of one half of the gentlemen of England, that he should never come upon the throne? He replied, why would they make themselves desperate? Why would they not do what they owed him, and what was justice? It would be their own faults: did he deserve less than the princess of Denmark? The gentlemen stood by her. I endeavoured to show him the difference of the case in one essential point, which I thought most likely to strike him, viz. In that case the addition was proposed when the civil list was precarious, and not granted to king William for his life; and upon re-granting the duties which were then in the power of parliament, that addition was demanded in her favour. But he gave no attention to it, but walked about with great precipitation, and a good deal agitated. As I saw there was no room left to make any impression upon him, I thought it was high time to put an end to the conversation, and therefore told him, that since I found him unalterable in his resolution, I would not presume to offer any thing more in opposition to it, but must beg leave to give him my plain sentiments as to myself: that I would have been glad to have had liberty to consult my friends, because it would have given my opinion more weight with myself, but as that could not be, and as I believed nothing they could say would alter it, I thought myself obliged to declare to him, and I did it with great concern, that if this matter came into parliament, I should think myself obliged, in honour and conscience, to give my absolute dissent to it, as pernicious and destructive to all the royal family, and to the nation in general. He seemed very angry, but curbed himself a little; and said he could never have expected this from me; but he supposed then, that he was to expect all my friends against him [meaning those gentlemen of the House of Commons whom he thought I could influence.] I told him that I spoke only for myself; that I had not dropped the least hint to any one of them; they would know it but too soon. This conversation brought us to the door: I saw he was very much heated, and going in, he said he must do as he could; that in the princess of Denmark's time there were gentlemen that valued doing right, more than their employments; he was sorry the race of them was extinct: I had only time to say, that I was to submit to whatever his Royal Highness pleased to think, or say, and content myself with doing what I thought my duty. Thus we went to dinner, with a great deal of anxiety on my part, from the real affection, as well as reverence, that I bear him; and with much more freedom and gaiety on his, than I could possibly put on.

"As soon as dinner and drinking was over, we rose, and I shuffled myself into the midst of the company, in order to get away with the first of them, when he pleased to make us his bow; but he dismissed them all, and ordered me to come with him into the little room. This conversation was much the longest, lasting near two hours; but as there was a great deal of repetition, I shall only put down what has not been already said; though scarce any thing was said by him, in the two former, that was not strongly repeated, and insisted upon, in this.

"His Royal Highness began by telling me that he had done with asking me any thing more for his sake, but, as he had always had the greatest kindness and affection for me, he

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equity, upon wisdom and good policy, and upon precedent.

But before I make my motion, give me leave, Sir, to enquire particularly into these several foundations: and to begin with the last, I shall shew from many undoubted authorities, that the prince of Wales has always had, and ought to have, a sufficient provision settled upon him, in such a manner as to render him as independent of the crown as any other subject can be. To recount all the precedents that

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would now talk to me a little, for my own. That he desired me seriously to consider, in this affair, my own reputation in the world; that it would suffer extremely by leaving him: that I must be sensible, I had done myself a great deal of hurt in the opinion of mankind, already, by acquiescing so much as I had done, in measures, with those who had treated me, and all my friends so ill; but that it would be a great aggravation to that prejudice, if I neglected so advantageous an opportunity as this of getting free from it: and much more to this purpose. After humble thanks for his goodness, I replied that I was very sensible of the difficulties I lay under: that I had no choice to make but what must be disagreeable, and painful to me: that as to the ministry, I had very little regard to those who treated me, or any of my friends slightingly: that I thought nobody cared less who knew it, or took less pains to conceal it; that in an affair, where I was convinced the whole was concerned, I must prefer my own integrity to the opinion of the world, and keep peace at home, whatever other people might think, or say. He said it was strange, that his best friends, and those he counted most upon, should be against him: That he wondered I should consider my own character, and my interest so little: he had always had the greatest kindness for me; he was resolved to show it in the most distinguished manner; why would I make it impossible? Why, when he should have it in his power, give occasion to have it thrown in his teeth, that he was going to distinguish one who had left him at the only time that he could want his friendship? That I must be sensible, after this, he could see me no more upon the foot he had done. I said, I was extremely sensible of the truth of all he had been pleased to say, and that I had no comfort on either side, but from the sense of doing my duty: that my reason informed me this was a measure fatal to himself and the whole country; I was convinced of it; and my honour and conscience obliged me to dissent from it. He asked me, supposing that were so, if I never had given a vote against my opinion, in concurrence with those I had no reason to like? I answered, I had, many; and believed it was the case of every body who had acted with a party, either for, or against an administration: that, in my opinion, business was not to be carried on in an abstracted way, by considering every point simply, and without connexion to the whole: but that I had never acted contrary to my opinion, where I thought the whole immediately concerned, as I stood convinced it was, in this; and therefore, no earthly consideration could make me be for it. He then pressed me much with the authority of the people engaged: Would I talk with Mr. Pulteney and lord Carteret? and if I was convinced it was their opinion, and they thought it right, would I then be for it? It could do no hurt to see them at least. I replied, I could have no doubt that they were engaged in it, after what his Royal Highness had been pleased to say; and that lord Carteret might be the more easily induced to it from a persuasion that it must drop in the House of Commons. He said, that if there were but three votes for it, there, it should come into the House of Lords: Did I think him so simple as not to know Carteret? Would I see them? I answered, that I had the greatest regard for lord Carteret's parts and abilities, and the most sincere respect and value for Mr. Pulteney, with whom I had lived in an intimate acquaintance for some years, and whom I always reckoned one of the most considerable men this country had bred: that if his Royal Highness commanded me, I was very willing to wait on them, but in no ways upon the foot of altering my opinion, singly upon their authority, and because the contrary might be theirs: but (I overshot myself so far as to add), to show his Royal Highness how much I was in conscience persuaded of the truth of my opinion, unequal as I was (and in nobody's thoughts more so than in my own), I would venture to talk with both those gentlemen, before his Royal Highness, upon the consequences of this measure; and if they could show me that the bringing it into parliament would not be attended with the greatest dangers, prejudice, and divisions, both in the Royal Family and the nation, be it right or wrong in itself, when brought in, then I would be for it. His Royal Highness dropped this proposition (which I was extremely glad of, having given a very indiscreet opening against myself), and said it was his due; he hoped it was no fault to claim his due; and the master of the rolls told him that it was his right in equity. I said that equity amongst gentlemen, indeed, was understood to mean a plausible demand to a thing; but as the Master was a Judge in Equity, I was surprised at the expression from him, and could hardly believe that he would affirm to me, that there could be grounded a legal equity upon that statute, to take the allotment of the estate thereby vested in the crown, out of the King's disposition. He said it was his right, he had one hundred and eighty engaged to support him, and he hoped he should obtain it.

"Not seeing the end of the conversation, I was resolved, if possible, to do what I thought

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occur in our histories and records, would take up too much of your time, and therefore I shall take notice only of some of the most remarkable. King Henry III. granted to his eldest son Edward after king Edward I. the dutchy of Guienne, before he was fourteen years of age, and the moment the Prince was married, he not only confirmed his former grant by a new patent, but likewise granted him, and put him in possession of, the earldom of Chester, the cities and towns of Bristol, Stamford and

my duty, and to set before him the precipices he was going to plunge into, let the reception it met with be what it would; and accordingly, I took the liberty of saying, that since it was absolutely necessary he should have 50,000*l.* per ann. addition, I humbly begged leave to know of his Royal Highness, why he would not rather choose to ask it of the Parliament, than to push this dangerous and desperate measure? That I was highly sensible this proposition was very far from being prudent, or adviseable in itself, but, bad as it was, yet it was so infinitely preferable to the other evil, that I would not only be for it, but would support and maintain it with all my strength; and would engage that all my friends, not only those of the House of Commons, but those of the House of Lords, would be for it. He said, no, he thought the nation had done enough, if not too much for the family already: that he would rather beg his bread from door to door, than be a further charge to them; and that he would have it in this way, or not at all. I replied, that since he expressed so much tenderness to the nation, I entreated him to consider the state to which he reduced it: to reflect upon the profusion of blood and treasure we had lavished, to maintain our liberties and constitution: to remember at what a vast expense we had brought over, and maintained his family, solely, and singly, to secure to us, and protect us in the quiet enjoyment of those liberties, and that constitution; and then to think what sentiments it must raise in every honest country gentleman of great property, who have warm wishes to all the royal family, and who expected nothing but a good word, and a kind look from every part of it in return; to think a little, I said, what that body of men must feel to be dragged, unavoidably, by that very royal family, into the fatal necessity of being desperate with the possessor of, or the successor to the crown: that, for my part, I should not be surprised, if they all absented themselves from the House, with hearts full of discontent, and distaste on both sides. He said, that if they would not do their duty cheerfully, they must be frightened into it; or to that effect; he could not suffer all his life, &c. I asked him, if he thought they were to be frightened; and if they were, I appealed to his generosity, if that were a just return: that I most earnestly supplicated him not to overturn the constitution, and the whole royal family together: that I had always been bred in monarchial principles, such as were consistent with a free people: that I could no more help the people to intermeddle with the just rights of the crown, than tamely sit still, and see the crown invade and destroy the just rights of the people. Did he, could he believe, that if the King were to propose to a council, for their opinion, whether he should give his Royal Highness 50,000*l.* or 100,000*l.* per ann, that any of those lords he had named, or myself, should have a moment's difficulty in delivering and supporting our opinion for the larger sum? Surely he could not; there we should act according to our duty, and constitutionally; but to bring the Parliament into the King's closet, for them to examine into his most private, domestic affairs, intrude themselves into the government of his private estate and family, was, surely, the most fatal precedent that could be made, and the most unheard-of to be attempted by a prince that was to succeed him: that I most earnestly conjured him to consider what he was doing: that we all hoped he would have children: that he knew he had a brother; if it should happen, when he was on the throne, that discontents should arise (and there had been discontents under the best princes that ever reigned), how would he like to have a Parliament tell him, that the Duke was an amiable, and a popular prince, of great merit and expectation; that they thought his appanage too small, and desired his Majesty to double it: that he was born in England, and the nation could not think themselves safe in keeping up such an army, unless the Duke was declared General? Would he like this? and yet this they might do, they would have a precedent for it, and what was more extraordinary, and unanswerable, a precedent of his own making. He said, he knew how to avoid that. he gave me his word he would make his children and his brother entirely easy, they should have most ample allowances; that would be a most effectual way to keep every body quiet. I asked him if he was sure that they would be all, and always reasonable? Would all those that advised them, be so? Could he be blind to what fatal foundations he was laying for future disturbances? And begged him to consider, that even rebellions, with a Prince of the Blood at the head of them, lost a great deal of the horror, and even of the danger of common rebellions. I desired, that he would talk to the duke of Argyll, and lord Scarborough, to see if I was single in my apprehensions. He said, no, the duke of Argyll was too deeply engaged with the Court, by his employments. I entreated him to look on the Duke in a far superior and more just light, as one of the first of his father's subjects and more so, by his firm and unalterable attachment, and unavoidable connexion to the whole royal family, than by his rank; but, however, lord Scarborough had no employment. He still said, no; Scarbo-

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Grantham, with several other castles and manors, created him prince of Wales, to which he annexed all the conquered lands in that principality, and appropriated him lieutenant governor of Ireland, though he was then but just turned of fourteen; all which was done, as the Historians express it, 'ut maturus ad res graviores gerendas 'expertus redderetur.' By this generosity and benevolence of the King towards his eldest son, that Prince was early in his youth established in a state of independ-

rough, he knew, was always full of his fears; which he laughed at. I replied, that I was sure, if lord Scarborough had his fears, they were for his Royal Highness, and not for himself. He still refused to speak to either of them, and said that, now, he did not think to speak to the duke of Dorset or lord Wilmington. I begged him to believe, that I only spoke my own sentiments, and not to alter his design of sending for them upon that. He said, no, it was to no purpose; he knew we were in the same way of thinking, and was satisfied he could expect nothing from thence, so would not send for them; nor would he, now, for sir Thomas Frankland, or sir Conyers Darcy, as he once designed. I still persisted to desire, that he would not include those gentlemen with me, who knew nothing of it; but he persisted in the contrary, which made me say that I was extremely sorry that he would not speak to gentlemen of that character; and that I did not believe he would find one dispassionate man, unheated by opposition, of figure enough to be consulted, who would not most ardently and vehemently advise his royal highness against this measure. He then renewed his instances strongly to make me for it, and said he should make a very bad figure in the world, when it appeared that his best friends were against him (and this he repeated often) in the only point he could want them, and in a point I well knew he was, always, entirely set upon, and had always had in view. I replied, it was true, I did know he was always bent upon it, but his royal highness as well knew, that I always as constantly opposed this way of attempting it: that he well knew that my firmness on this head was the first and chief cause of his withdrawing, for these two years last past, the confidence he formerly honoured me with: that I spoke it without the least thought of complaint, but he knew it was so; and therefore, as I could, by no means, charge his royal highness with acting inconsistently in pursuing this view, he must also do me the justice to own, that I acted consistently with myself in dissenting from it: that as he had been graciously pleased often to use the word friends leaving one, friends not assisting one, &c. I most humbly begged leave to submit, if it was friendly to take a resolution of the highest nature, a resolution one was known to be against, and unalterably to fix that resolution, with I could not say who; not with the friends, certainly, of those he was graciously pleased to call friends; and all this, without the least communication to them till it was irrecoverable; without giving them the least opportunity of having their objections

weighed, or their scruples removed; but only to tell them that the thing was fixed, and they must follow, or refuse it. He then set forth how unpopular the court had made itself through the nation, which was much the reverse on his side. I told him, that I reflected, with much concern, on any unpopularity, but was thoroughly persuaded that this measure would lessen the unpopularity where he seemed to express the greatest dislike; and lay a foundation for it, where he thought, and I was persuaded there was none; because I was convinced that an attack upon his royal father, of this nature, and at this time, would produce so incurable a division, that when men's first passions subsided, and they began to reflect coolly; the authors and advisers of this measure (I did not know them, but the world would certainly fix it somewhere, unjustly perhaps), would, in the end, become the detestation of mankind, and perhaps of posterity. He still continued to press me warmly, and said that my being against him cut off his fingers; but sure I could not deny him to be absent, if I would not be for him. I told him, that as I now stood informed, it was impossible for me to be absent; when I had taken a mature resolution upon a thing of this weight, I thought it would be inconsistent with my honour and reputation, not to dare to show it: that, however, if I could find any means to satisfy my honour to myself in being absent, I would wait on his royal highness again, but, as I now was informed, I thought it impossible; and that nothing could happen to me so fatal, not even his royal highness's displeasure, as to leave the least ambiguity upon his mind of my conduct. He asked what I meant by ambiguity? I said, to leave any doubt with his royal highness, or reason for him to suppose, that I would be for him, or absent, when he would afterwards hear that I was against him. He said, it was very strange that I would not be absent, when I had said, that I thought it natural that many gentlemen of great honour and property would refuse to vote in this question. I replied, that I could not be absent, because I did not come under the latter part of the description I had made of them, for I had said, that what would make such gentlemen be absent, would be a motive of dissatisfaction against both, for having driven them to that extremity: now that could never be a motive with me, to whatsoever extremities I might be reduced. He said, he saw then, that he was to expect me, and all my friends (meaning the Commoners) against him. I told him, that as to my friends, I had not dropped the least hint to them of this affair: that I hoped for his sake, they would

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ency and grandeur, and those paternal favours were afterwards fully repaid by that illustrious and most heroic prince, for he afterwards proved his father's chief and only support. Every one knows how by his courage and conduct at the battle of Evesham he relieved his father out of the hands of his enemies, and restored his affairs after they were brought into a most desperate state. Nay, not only the King himself, but the nation reaped signal benefit from the free and independent circum-

not see it in the light that I did; and did promise him, that I would use no one argument to induce them to do so: but for myself, it was with great concern I was obliged to say, that I must be against it, unless I could find reasons, which I did not then see, and which I believed it impossible to find, to be absent; if I did, I would certainly wait on his royal highness again, and let him know it. Thus ended the most painful conversation I ever had, or, I believe, ever shall have whilst I live.

"As what is put down here is only to aid my own memory, while the transaction is fresh, and in particulars, only, where I was immediately concerned, I will not say when the ministry first knew of this resolution; though, I think, I have undeniable reasons to believe, they did not know it till Sunday the 13th, at soonest; more probably not till Monday the 14th, which is extremely surprising. On Wednesday the 16th it was public, and I was stopped by several gentlemen in the House of Commons, who desired my opinion, which I gave to none. Sir Robert Walpole desired me to stay the rising of the House, that he might speak with me: I did so; and when the House was almost empty, we went behind the chair together. He was, then, so little informed of people's opinions, that he began by saying, that he desired to speak to me without reserve: and therefore would ask me, frankly, if upon this great question, I would give him a meeting. I answered, that this great question was not new to me: that for three years preceding the two last, it had been the great struggle of my life to prevent it from breaking out then: that I would not have done so, if I had not entirely disapproved it; and that from that time, up to this very hour, I had never seen any one reason to induce me to alter my opinion. He said it was a very handsome declaration, and he thanked me; but that I well knew many things were liable to be imputed to us, which we were not guilty of, and therefore begged me to speak to my friends. I said, that I desired there might be no mistakes between us upon a subject of this importance; that I spoke for myself plainly, and openly; I always disapproved of this measure as pernicious and fatal to the whole Royal Family, and as such, would give my public dissent to it. As to what he called my friends, I supposed he meant Mr. Dodington, Mr. Wyndham, Mr. Beaghan, and the two Messrs. Tucker. He said, Yes. I replied, that as to this matter I would tell him the whole truth, indifferent how far he credited it: that it would be idle to tell him that I did not know of this measure, for I did, long since, but under such restrictions that hindered me from communicating it to any body; that I regarded those ties, and had not even hinted it to any one of those gentlemen; but as the thing was now public, I had already spoke to some of them, and did design to do so to the rest, to meet me that night; but, as yet, could give him no manner of guess as to their opinion in this matter. He again desired me not to do the thing by halves, because it would be imputed. I told him that they were independent gentlemen; that though their fortunes were not large, yet they were sufficient, and they were resolved they always should be sufficient to keep them in independency; that he best knew they had not been regarded, or treated in a manner to give them any great present expectations. He interrupted me here, and said we understood one another; that what I said with relation to those gentlemen was true, and had proceeded from not being in a situation to have it otherwise, [meaning the coldness between us]. I replied, that I did understand him, but as he knew they had no present expectations, I could by no means say how far they would care to forfeit the prospect of all future favours and advantages. He pressed me again to speak to them, for indeed, it would be imputed. His repeating that so often, heated me a little, and made me tell him, that I very little regarded what might be imputed to me unjustly: had I any pretensions? any expectations? What had I asked or pretended? He knew I had none: if I had, let him say it. He said it was very true; that I must be sensible that there had been great misunderstandings between us, he was willing to suppose on both sides, but that so great a service as that wiped out a multitude of things. I answered, that what I should do was from a motive of my duty; that I neither asked nor expected any reward for it, nor pretended any thing from it: that as to the gentlemen, I would, as I designed, lay the matter fairly before them, and plainly tell them which way I should vote: whether my example would influence them, they must determine, but I should use no arguments to do it.

"I did so the same night; and they, from their own judgments, entirely unbiassed, or attempted to be so by me, all determined to vote for the king.

"On Sunday the 20th, about twelve gentlemen met at sir Robert Walpole's, to be informed (as the custom is of all those meetings) of what is resolved upon, instead of being consulted (as the custom ought to be) upon what should be resolved on.

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stances in which that King had so early placed his eldest son. A state of independency naturally ennobles and exalts the mind of man; and the effects of it were most conspicuous in this wise and brave prince, for he afterwards became the glory of England, and the terror of Europe.

The next precedent I shall take notice of is, that of Edward the black prince, upon whom Edward III. his father, settled at different times the earldom of Chester, the dutchy of Cornwall, the principality of Wales, the dutchy of Guienne, and the principality of Aquitain. That wise and great king, Sir, was so sensible of the reasonableness of the ancient maxim of England with regard to the King's eldest son, that he took care every future prince of Wales should have something to depend on, independent of his father, from the very moment of his birth; for which purpose he settled by act of parliament the dutchy of Cornwall in such a manner, that the King's eldest son, and heir apparent of the crown, has ever since been duke of Cornwall as soon as born, and without any new grant from the king, from whence has arisen the common proverb, 'Natus est, non datus, dux Cornubiæ.' Some of the later grants of that King might, indeed, proceed from the great personal merit of the son; but the first grants could not proceed from any such consideration; they could proceed only from his own wisdom, and from the general maxim I have mentioned; for the Prince was not three years old when his father settled upon him by patent the earldom of Chester, he was but seven years old when Cornwall was erected into a dutchy, and settled upon him as by act of parliament as beforementioned, and he was but thirteen when the principality of Wales, was settled upon him. Soon after that time indeed, his personal merit began to appear: but how came it to appear? Its early appearance did proceed and could only proceed from his father's having put him so early into an independent situation, and from his having employed him in, and inured him to the study of weighty affairs, at an age when most princes are industriously taught to think of nothing but baubles and toys.

The same conduct, Sir, that wise King observed during that brave prince's life: he was continually heaping favours upon the prince his son, and the prince was continually repaying them with glorious acts of gratitude and filial duty. When he was seventeen, he fully repaid all former

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"When the company was gone, I told sir Robert Walpole that I had laid the matter before the gentlemen, and that I found they were disposed to act in the same manner that I had declared I would do. He thanked me, and was going on (as I thought) to mention future expectations; but I prevented him, by continuing to say, that if I had been so unfortunate as to take another part in this unlucky affair, than that which the real sense of my duty, and zeal for the whole Royal Family, had determined me to take, I believe he must be very sensible that the connexion between those gentlemen and me was such, that we should not have differed in opinion. He said there could be no manner of doubt of it. I added, that I then left him to consider whether, beside that real sense of my duty, I had had, from the day this king came upon the throne, up to that hour, any one inducement to do what I had resolved to do. He answered, to be sure not; the misunderstandings between him and me were very public, but now—— and was going on, but I thought it not proper to enter into explanations, and interrupted him by saying, I did not mention this in any the least way of complaint, but thought I owed myself so much justice as to put him in mind of it: that as I acted from a principle of honour and conscience only, I was very regardless of the consequences that might happen to me from it; though I was not so blind as not to see that I stood exposed to future resentments by it, at least as much as any gentleman in England: with which I took my leave. On Tuesday the 22d, the motion was made by Mr. Pulteney, and seconded by sir John Barnard; the message and answer produced by sir Robert Walpole. The House divided between twelve and one; the numbers for the King were 234, for the Prince 204. There were 45 Tories absent; 35 members voted for the Prince against us, who, I think, never voted against us before.

"On Friday the 25th, the same motion was made in the House of Lords (where I was also), by lord Carteret, and seconded by lord Gower. The debate lasted till past eight, when the motion was rejected. The numbers for the King were 103, for the Prince 40.

"Thus ended this unhappy affair in Parliament: God only knows where the consequences of it will end in a nation, where, by the profligacy and dissoluteness of their manners, the people seem to have forfeited all pretence to the divine favour and interposition; and where baseness, degeneracy, and corruption, is arrived to such a height, as to make them an easy prey, not only to the glaring qualities, and miscalled virtues, of great, ill-designing Princes; but even to the most barefaced, despicable attempts of the weakest, whenever they shall think fit to employ a little low cunning, and open corruption, to enslave them."

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favours, by having the chief share in the victory obtained over the French at the famous battle of Cressy. In the 24th or 25th year of this prince's age, the King invested him with the dutchy of Guienne, which new favour he soon after repaid by sending the King of France home prisoner to his father, after having defeated and taken him at the memorable battle of Poictiers. And in the two and thirtieth year of that prince's age, a great part of France having been conquered and subdued by his valour, the King his father erected Guienne, Gascony, and several other provinces of France, into a principality under the name of the principality of Aquitain, with which he invested the prince his son: this new favour likewise the prince soon repaid by carrying the glory of the English arms into Spain, and replacing Peter upon the throne of Castile, after having defeated the usurper Henry at the battle of Nejara in that kingdom; for all which glorious victories, and many other great services done to his native country, the nation was so grateful to his memory, that immediately after his death, or at least as soon as their grief for the loss of so brave a prince would give them leave, the House of Commons addressed the King to create his son Prince of Wales and duke of Cornwall, which that wise king immediately agreed to; for his grandson being then heir apparent to the crown, he became intitled, by the maxim I have mentioned, to an independent settlement; but as he was not the King's eldest son, he had no pretence from any former precedent to the principality of Wales, and his right by the late act to the dutchy of Cornwall was thought to be doubtful by the lawyers of that age, the lawyers being then it seems, as dexterous at starting doubts and scruples as the lawyers of the age we now live in.

Give me leave, Sir, to mention one other precedent, That of prince Henry, afterwards the glorious king Henry 5, whom his father Henry 4, in the very first year of his reign, created prince of Wales, duke of Cornwall, and earl of Chester, though the prince was then but twelve years of age; all which grants were recorded upon the parliament's request, in order to prevent any possibility of a revocation; and though that king was naturally of a jealous and a suspicious temper, yet we find, during his whole reign, he was every now and then making new grants to the prince his son, even though he was sometimes maliciously made to believe, the prince was conspiring against him. This prince, it is true, fell into some excesses incident to youth and idleness, but from the first part of his life, and from his conduct after he became king, we may judge that those excesses were rather owing to his father's jealousy than to his own natural temper; for when he was but about sixteen, he by his valour contributed greatly to his father's victory over the rebels at Shrewsbury, and the very next year having been entrusted with the command of his father's army against the rebels in Wales, by his conduct and courage, he gave them two signal defeats, by which he gained so much esteem, that the king his father, from his own natural and unhappy temper, and not from any undutiful behaviour in his son, began to grow jealous of him, and therefore never afterwards employed him in any public affairs; so that the excesses he fell into probably proceeded from the idleness of his life, and the activity of his genius, or perhaps rather from a design of removing from his father all future occasions of jealousy. This, indeed, seems to be confirmed, or at least rendered the most probable conjecture, by his conduct after he became king; for immediately upon his accession, he banished from his presence all the companions and sycophant upholders of his former debauches, and became one of the greatest, and one of the most glorious kings that ever sat upon the English throne.

But, Sir, it is quite unnecessary to mention particularly all the examples that could be brought of the great and irrevocable provisions that have been made for the eldest sons of our kings. We have not, it is true, had many princes that have come to man's estate in the life-time of their fathers, but every one of them that has done so, has had an independent settlement made upon him long before he was of age. Nay, even the presumptive heirs of the crown have always had an independent settlement made upon them, generally as soon as they began to be the presumptive heirs of the crown: For proof of this I need bring no other example than that of the late king James 2, when duke of York, and that of the late queen Anne when princess of Denmark; for the duke of York had a great settlement made upon him by parliament, soon after the restoration, though he was but presumptive heir of the crown; his brother king Charles being then in a capacity of having chil-

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dren, who would have given him a more effectual exclusion than could ever be attained by parliament, till his own ridiculous measures put it in their power; and the late queen Anne, when princess of Denmark, had likewise a great settlement made upon her by authority of parliament, though king William and queen Mary were both then alive, and in a capacity of having children; so that the princess Anne, when that settlement was made, was but the presumptive heir of the crown.

From these precedents it appears, Sir, that the maxim of having an independent provision settled upon the apparent or presumptive heir of the crown, is a maxim which has always been observed in this nation; and that the parliament may interpose for that purpose, I shall likewise shew from several precedents. I have already mentioned to you the address of the House of Commons in favour of Edward the Black Prince's eldest son, therefore I shall proceed to mention some others of a late date. In the first year of king Henry 4, the Lords and Commons, upon proper motions for that purpose, desired of the king that his eldest son, prince Henry, might be created Prince of Wales, duke of Cornwall, and earl of Chester, and in the same parliament the Commons petitioned the king that the charter of the said principality and earldom, and an act of the said creation, might be enrolled and entered upon record, as an article agreed upon by parliament; both which that king immediately complied with; for as he had been called in by the people, and raised to the throne by the parliament, he had so just a sense of the obligations he lay under both to his people and parliament, as not to refuse any just request they could make. In the reign of Henry 6, the parliament not only took care to have the principality of Wales settled upon prince Edward, eldest son of the king, but likewise declared and ascertained the particular sums that were to be allowed for his table, till he came to be of the age of fourteen, when he was to be put in possession of the whole revenues of the principality of Wales, dutchy of Cornwall, and county Palatine of Chester. And but lately in the beginning of the reign of king William and queen Mary, the House of Commons resolved to address their Majesties to make a settlement on the princess Anne of Denmark, who was then but presumptive heir of the crown; which resolution does not, it is true, seem to have been very agreeable to the court, with regard to the sum at first proposed, but the right the parliament had to present such an address was so far from being controverted, that after the dispute about the sum was settled, even the courtiers themselves joined, the next session, in the resolution for that purpose, which plainly evinces the power and the duty of parliament, with respect to their addressing for having a sufficient provision settled independently upon the heir apparent or presumptive of the crown, and consequently will from precedent justify the motion I am to make.

Now, Sir, with respect to wisdom and good policy, that of having the heir apparent to the crown bred up in a state of grandeur and independency, is certainly a maxim of great use in all countries, but in a free country it is absolutely necessary. A free and generous education tends greatly to open the mind, to endow it with noble and right sentiments, and to shut out all mean, narrow, and selfish views; therefore it is the only proper education for one who is by his birth to have the chief rule over any people; but for one who is to have the chief rule over a free people, such an education becomes absolutely necessary; for, besides the advantages already mentioned, a prince who has lived in a state of freedom and independency before he begins his reign, thereby learns how to be a dutiful and obedient subject, without being an abject slave; and by tasting in his youth the sweets of such a delicious state, he comes to know the true value of it, from whence he must necessarily conclude his subjects will not easily part with it, and therefore, when he comes to mount the throne, he not only knows how to exact a dutiful obedience without expecting a slavish submission, but he will in common prudence content himself with the former, because he knows he cannot without great danger aim at the latter. Such a prince will always be sure of being well served, because he can with patience receive an honest and a free advice from his ministers and favourites: He will not take it ill to be even controuled by his council or his parliament; whereas a prince educated in slavery, and advanced to power, being unacquainted with any sort of submission but that he has himself been bred to, is apt to look upon every honest freedom as a mark of disrespect or disobedience, and as he cannot bear sincerity, he may expect never to meet with it from

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any of his pretended friends or favourites. Thus it appears to be requisite both for the honour and prosperity of the prince who is to reign, and for the ease and happiness of the people over whom he is to reign, that he should be bred up in a state of freedom and independency.

But farther, Sir, even with regard to the king upon the throne, especially in this nation, the grandeur and independency of his Heir Apparent must be of great service to him. The affection and esteem which the Heir Apparent acquires among the people, is so far from being a disadvantage to the king, that it must always be, and has always been reckoned one of the most solid supports of the crown. The great and the wise king Edward 3, was so far from being jealous of any glory or esteem the prince his son might acquire, that in the famous battle of Cressy, he gave his son the chief command of that part of his army which was to attack the enemy, in order that he might have the sole glory of the victory, reserving to himself only the command of a great body in case of accidents; and when word was brought him that his son was in great danger, and hardly pressed by the enemy, his answer was, 'I know my boy has 'courage, let him but push the enemy, he 'will certainly conquer. I am loth to rob 'him of any share of that glory I see he 'is in a fair way of obtaining.' Such were that king's sentiments; and in the charter of Henry 6 to his son Edward, it is expressly declared, that by giving due honours to the prince, the throne was established, and the royal sceptre exalted; and therefore, by granting the principality of Wales and county palatine of Chester to his son, he consulted his own honour, the security of the royal family, and the good of his people, rather than the prince's honour. From the behaviour of all our kings towards their eldest sons, we may judge their sentiments have been the same. They have all been of opinion, that their eldest sons ought to live in grandeur, and that the more honour and esteem they acquired, the more they added to the security of the throne. But how can a prince live in grandeur, who has nothing of his own, or not a sufficiency to subsist on? How can a prince who is in a continual state of dependency, a continual state of slavery, acquire esteem from those who are themselves free and independent? The very submitting tamely to live in such a state, must derogate from his honour, and render him despicable in the eyes of a brave and a free people, which the people of this nation, I hope, will for ever continue to be.

Suppose then, Sir, there were no precedent for having a sufficient and an independent provision settled upon the Prince of Wales; suppose there was no example of the parliament's having ever interposed for that purpose: yet if true wisdom and good policy require that it should be done, if the making of such a settlement can contribute to the honour of the King, to the security of the royal family, and to the happiness of the people, it is a thing that ought to be done: and if it should be unnecessarily delayed, has not the parliament a right, are we not in honour, in duty, bound to interpose, and to advise or petition our sovereign, that it may be done as soon as possible? But when we consider the constant course of proceeding in this particular, when we see how often the parliament has interposed, even when this provision was not made out of any grants from the people, but out of the king's own estate, out of the lands and revenues properly belonging to the crown, can we balance a moment about our right, can we in duty to our King, or to that most illustrious and most deserving Prince his eldest son, delay requesting that to be done which ought to have been done long before this time? Especially now, Sir, that no part of that provision is to come out of the lands or revenues properly belonging to the crown, but is wholly to be taken from a very liberal grant long since made by the people to the crown, and which has been of late greatly increased with this very view, that an honourable and a sufficient settlement might be made upon his royal highness the Prince of Wales as soon as the same should become necessary.

This, Sir, of course leads me to consider the nature of that parliamentary grant, now called the civil list revenue, from which it will appear that what I am now going to propose, is founded both upon law and equity. In ancient times the estates and revenues, properly belonging to the crown, were sufficient for supporting the honour and dignity of the crown and royal family; the people were charged with no taxes for that purpose, except a small custom upon the importation and exportation of goods and merchandize: no grant, no aid was ever desired from them, but when some extraordinary expence became necessary, for defending the nation

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against pirates or threatened invasions, or for vindicating and supporting its honour in some affair of great consequence and of an extraordinary nature; but by the profuse liberalities of some of our former kings, and by other accidents, the proper estate and revenue of the crown came at last to be so much diminished, that it was not near sufficient for supporting the honour and dignity of the crown and royal family, and therefore at the restoration of king Charles 2, the dangerous tax called Tonnage and Poundage, and the more dangerous tax called Excise, were established, and granted to that king for his life; and at the same time an additional excise was established, in lieu of the wards and liveries which were then abolished, and settled upon that king and his heirs and successors for ever; which taxes were partly for what is now called the civil list, and the residue for what we now call the current service. Several other taxes were established in that and the following reign, and intended for the same purposes, without distinguishing or specifying any particular uses; but it having been found that the money granted by parliament was often applied to purposes very different from those intended by parliament, therefore, after the happy Revolution, which put us in a condition of rectifying some former errors, and removing some of our former grievances, the custom of appropriating each respective grant to its proper use, was introduced and established; and from that time the revenues granted to the crown by parliament came to be distinguished into the civil list revenue, and the current service revenue; the former being that which was granted and appropriated by parliament for supporting the honour and dignity of the crown, and providing for the royal family; and the latter, that which was granted and appropriated by parliament for maintaining our fleets and armies, or providing for any other extraordinary public services.

In order therefore to determine what branches of the public charge were designed by Parliament, and ought in law and equity to be defrayed out of those grants appropriated to the civil list, we must examine, Sir, what uses that revenue was applied to, immediately after its being first distinctly established, which was in the reign of the late king William; and we find that, during his whole reign, the provision appointed for the princess Anne of Denmark was always charged upon, and paid out of his civil list revenue. Then again, upon his late Majesty's happy accession to the throne the parliament granted and appropriated to the civil list the same taxes and revenues which had been granted and appropriated to the civil list, during the reign of his predecessor queen Anne; but his late Majesty, in his first speech to his parliament, took notice, that the branches of the revenue, formerly granted for the support of the civil government, were so far incumbered and alienated, that the produce of the funds which remained, and had been granted to him, would fall much short of what was at first designed for maintaining the honour and dignity of the crown. To which he added, that since it was his happiness to see a prince of Wales, who might in due time succeed him on the throne, and to see the prince blessed with many children, the best and most valuable pledges for his care and concern for our posterity, that must occasion an expence to which the nation had not for many years been accustomed, but such as surely no man would grudge. Do not these words shew that his late Majesty was of opinion, the civil list was unquestionably to be charged with making an honourable provision for the Prince of Wales? And is it not as apparent, that the addition granted to the civil list by parliament, in consequence of that speech, was granted with an intention, that such a settlement should be granted out of that revenue to the prince of Wales as should be sufficient for supporting the dignity of his high birth, and the honour of the crown of Great Britain, to which he was heir apparent? It is plain his late Majesty meant so, and took the intention of parliament to be so; for within ten days after that law passed, he notified to his parliament, that he had ordered letters patent for 100,000*l.* a year to his royal highness the Prince of Wales, free from payment of any fees or taxes, and for impowering the commissioners of Excise and customs to pay directly to the Prince, or his treasurer, the produce of such branches of the civil list revenue, as his Majesty should appoint for answering that settlement; by which his royal highness was rendered so absolutely independent of the crown, with respect to his own proper revenue, that he was not so much as obliged to apply to his Majesty's Exchequer for the payment of it: his revenue could not run in arrear, even his Majesty's chancellor of the exchequer could not put him off with that common excuse for not answering a just demand, that there was no

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money in the Exchequer: and I cannot omit taking notice, that at the very same time, in the very same session, there was also another act passed, for enabling his Majesty to grant to him the principality of Wales, and county palatine of Chester, which were immediately after granted to him accordingly.

But now, Sir, to come to his present Majesty's happy accession to the throne, and that parliament which established the large civil list, now settled upon the crown. During his late Majesty's reign, by reason of some very extraordinary and uncommon disbursements, it had been found, that a civil list revenue even of 700,000*l.* a year, as it had been managed, was not sufficient to support the honour and dignity of the crown, and to pay 100,000*l.* a year to the prince of Wales; for which reason several additional sums had been granted in that reign to the civil list, amounting in the whole to 1,300,000*l.* which made the civil list during that reign amount, at an average, to 803,000*l.* a year; therefore his present Majesty, in his speech from the throne, told his parliament, he was persuaded that the experience of past times would prevail upon them to shew a due regard to the honour and dignity of the crown; which the parliament, without examining into the reasons of that past experience, immediately complied with, and settled upon his present Majesty for his life, what the experience of past times had shewn to be necessary, and what had actually been given to, though not settled upon his father, with this remarkable improvement, that if the taxes appropriated for that purpose produced more, the surplus should belong to his Majesty, but if they produced less than 800,000*l.* a year, the deficiency should be made good by parliament; which new improvement seems to have had great influence upon some of our measures since that time; for it seems to have made us endeavour, as much as possible, to increase the produce of those taxes in which the civil list has the greatest share. Now I would gladly know, what his present Majesty meant, or what the parliament meant, by the experience of past times, which was the only ground for the resolution they came to with respect to the civil lists; sure they both meant that an honourable and a sufficient provision for the prince of Wales should be chargeable upon the civil list revenue, and upon that only; for the experience of past times had shewn that 700,000*l.* a year was not sufficient for supporting the honour and dignity of the crown, and for allowing 100,000*l.* a year for the prince of Wales: but the same experience had shewn that 800,000*l.* per ann. was sufficient both for the one, and for the other; and therefore by proceeding upon the experience of past times, and upon that only, and from thence settling 800,000*l.* a year for his present Majesty's civil list, both his Majesty and his parliament must then certainly have meant, that out of that revenue a sufficient provision should be settled upon his royal highness, as soon as his future circumstances should require such a settlement to be made: from all which I must conclude, that the motion I am to make for this purpose is a motion founded both upon law and equity.

I think, Sir, I have now shewn that according to law, according to equity and conscience, according to wisdom and good policy, and according to precedent, his royal highness the Prince of Wales ought to have a provision settled upon him, sufficient for supporting the dignity and grandeur of his high birth; and that the parliament not only has a right, but ought to interpose, and advise his Majesty to do that which in law, in equity, in wisdom, and according to precedent, ought to be done. The next two questions that will naturally occur in this affair, are, When that settlement ought to be made? And what may be thought a sufficient settlement? As to the time when it ought to be made: It ought certainly to have been made long before now. The mind of every man is formed early in his youth. Those notions and sentiments which are early imbibed, take deep root, and are seldom or never shaken off. If then an independent state can any way contribute to the improvement of a prince's mind, the more early he is put into such a state, the better. According to this has the constant practice in this kingdom always been: king Henry 3, made a settlement upon his eldest son Edward, afterwards king Edward 1, before he was fourteen. Edward 3, made a settlement upon his eldest son, Edward the Black Prince, before he was three years of age; and within a few months after the death of that prince, the Commons addressed the king to make a settlement upon that prince's eldest son, who by his father's death was become heir apparent to the crown. The Post Office and Wine License revenues were settled by parliament upon the duke of York, who was but presumptive heir of

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the crown, within three years after his brother king Charles 2d's restoration. A settlement was made upon the princess Anne of Denmark, who was likewise but presumptive heir of the crown, in pursuance of an address for that purpose from the House of Commons, the very first year, or the beginning of the second year, of the reign of king William and queen Mary. And his late Majesty ordered letters patent for making a settlement upon the present king, then Prince of Wales, within ten days after the parliament had granted him a fund for that purpose. In short, Sir, look over all our histories, examine all former precedents, I believe no example can be found, where the making of such a settlement has been so long delayed, as in the present reign: What may be the reason I shall not pretend to determine; but I am sure there never was a Prince of Wales who better deserved it, nor a crown revenue that could better spare it. It ought, in my opinion, to have been done as soon as his royal highness arrived in England, especially as he was then of full age, and, as every one that has the honour and happiness to know him must grant, extremely capable to govern his own affairs; and since it is not yet done, it is high time for us to take the same liberty former parliaments have often taken, it is high time for us to desire that it may be done.

Now, Sir, with regard to what may be deemed a sufficient settlement for his Royal Highness, I think there cannot properly be any question about it, because it seems to have been determined by that parliament which established the Civil List in the late king's reign, and also by that parliament which established, and from the experience of past times increased, the present Civil List revenue. Both were certainly of opinion, and the latter have, I think, very expressly determined, that his Royal Highness the present Prince of Wales was, and ought, to have, at least 100,000*l.* a year settled upon him, out of the large Civil List they then granted; for what else could they mean by settling a Civil List revenue of 800,000*l.* a year? The experience of past times, which, as I have said, was then the only ground for increasing that revenue, had shewn that 700,000*l.* a year was sufficient for supporting the honour and dignity of the crown, without including what was to be allowed the Prince of Wales; and therefore by their adding to that yearly sum 100,000*l.* a year more, and granting a Civil List revenue of 800,000*l.* a year at least, it must be supposed they meant and intended that the 100,000*l.* they had so added to the Civil List revenue, more than what the experience of past times has shewn to be sufficient for maintaining the honour and dignity of the crown, should be settled upon the present Prince of Wales, besides the principality of Wales, dutchy of Cornwall, and county Palatine of Chester, in the same manner as it had been settled upon the present king, while he was Prince of Wales: And indeed from the very nature of the thing we are to judge so; for what reason could they then think of, or what reason can now be assigned, why the present Prince of Wales should live in less grandeur than his father did whilst he was Prince of Wales, or why the same grandeur might be supported at a less expence than had been before necessary? I can think of no reason but one, which is, That the nation is not so rich as it was formerly: This, indeed, may at last come to be a good reason for diminishing the allowance or settlement for the Prince of Wales; and it is a reason for which, I am sorry to say it, I think there is too good a foundation; but then it is a reason for diminishing every other article of the public expence, especially that belonging to the Civil List; and I am far from thinking the provision for the Prince of Wales is the first we ought to begin with; for if any judgment can be formed from the experience of past times, 100,000*l.* a year, besides the now exhausted revenues of Wales, Cornwall, and Chester, is the least provision we can as yet think of allowing for supporting the dignity and grandeur of the heir apparent to our crown. I shall therefore take it for granted, till I hear it contradicted, that it is now high time the provision for the Prince of Wales should be settled in the usual way, and that 100,000*l.* a year out of the Civil List is the least provision we can suppose necessary, and the least the parliament that established the present Civil List designed he should have: These two points I shall now, I say, take for granted; but if both, or either be controverted, I shall beg leave to explain myself more fully upon this head, unless some other gentleman who is of the same opinion with me, and more capable of giving the reasons for his opinion, rises up, and saves me that trouble. For this reason I shall not now take up your time with enlarging further upon

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these two questions, but shall take the liberty to make you this motion,

"That an humble Address be presented "to his Majesty to express the just sense "this House has of his Majesty's great "goodness and tender regard for the last- "ing welfare and happiness of his people, in "the marriage of his royal highness the "Prince of Wales; and as this House can- "not omit any opportunity of shewing their "zeal and regard for his Majesty's honour "and the prosperity of his family, humbly "to beseech his Majesty, that in conside- "ration of the high rank and dignity of "their royal highnesses the Prince and "Princess of Wales, and their many emi- "nent virtues and merits, he would be "graciously pleased to settle 100,000*l.* a "year on the Prince of Wales, out of the "revenues cheerfully granted to his Ma- "jesty, for the expences of his civil go- "vernment, and better supporting the "dignity of the crown, and for enabling "his Majesty to make an honourable pro- "vision for his royal family in the same "manner his Majesty enjoyed it before his "happy accession to the throne; and also "humbly to beseech his Majesty to settle "the like jointure on her royal highness "the Princess of Wales, as her Majesty "had when she was Princess of Wales; "and to assure his Majesty, that this House "will enable him effectually to perform "the same, as nothing will more conduce "to the strengthening his Majesty's go- "vernment, than honourably supporting "the dignity of their Royal Highness, "from whom we hope to see a numerous "issue, to deliver down the blessings of his "Majesty's reign to latest posterity."

I know, Sir, that several arguments may be made use of against this motion, arguments which may seem to be of dignity and weight, because they can come from none but such as are in high stations, who for that reason ought never to oppose what is just and honourable, and much less ought they upon any occasion to make use of weak or trifling objections. By such persons it may be said, that the presenting of such an address will be a sort of intermeddling in the domestic affair between father and son, which the Parliament has no title, nor ever ought to intermeddle with upon any occasion: but, Sir, I must beg leave to insist upon it, that our presenting such an address cannot be called intermeddling in any affairs either public or private; it is only offering advice to our sovereign in an affair of great consequence to the nation in general, and that we have not only a right, but are in duty bound to do, as often as we find it necessary. It is an advice which I am sure his ministers ought to have given him: if they have not, they have been deficient in their duty, and the Parliament ought to make up that deficiency: if they have been so faithful as to offer the same advice, and have not succeeded, which, for what I know, may be the case, the Address proposed becomes absolutely necessary; it is what the ministers ought to be fond of, because the Address of Parliament will add weight to the good, though unsuccessful, advice they have given. Then, Sir, with respect even to the domestic affairs of the royal family, they ought to be considered in a two-fold respect: if they are such as may contribute to the honour and happiness of the nation in general, or such as may tend to the dishonour of the kingdom, or to the bringing of any misfortune upon the people, they then come to be of a public nature, and if any false step be made, or any necessary step neglected, or too long delayed, it is the duty of Parliament to interpose; and of this sort surely is that affair to which the address now proposed relates.

It may likewise be said, that the King is the only judge of the time when it is proper to make a settlement upon his royal highness the Prince of Wales, and of the amount of the revenue that may be proper or necessary for that purpose. To this, Sir, the answer is very plain and easy. There are many things in which the King has by his prerogative the sole power of judging or acting; and yet in such cases, if any wrong measure happens to be pursued, or any proper measure neglected, the Parliament is in duty bound to act the part of a faithful counsellor to their sovereign, and advertise him of what they imagine to be wrong. The two Houses of Parliament, or either of them, may not only offer their advice, but they may go much further, they may examine into the affair, and may punish those who by their weakness or wickedness have given his Majesty bad counsel. The King has the sole power of making treaties of peace or alliance, and of declaring war, and yet I hope it will not be said that the Parliament ought never to interfere, no not so much as by an Address, in any case of that nature: I hope it will not be said that the Parliament may not only address upon such occasions, but may punish those ministers who shall advise his Majesty to engage the nation in

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dangerous and destructive treaties, or who shall advise him to avoid a war, when both the honour and the interest of the nation make it necessary. Therefore, though his Majesty be the only judge, when a settlement ought to be made upon the Prince of Wales, and what that settlement ought to be, yet the Parliament may certainly interpose by an address, when the making of that settlement is too long delayed; and now that his Royal Highness is not only of age, but is married, and as it were emancipated out of his father's family, it is certainly high time for the Parliament to interpose: surely it is not fit his Royal Highness should now depend upon his father, or rather upon his father's ministers, for every shilling he may have occasion for: the very thought raises in my mind such ridiculous ideas, that it is with the utmost difficulty I can refrain from expressing myself in a manner far below the dignity of the subject: nothing, indeed, could prevent it but the great esteem, the high regard I have for the illustrious persons who seem to be concerned.

In the next place, Sir, it may be said that his Majesty has a legal right to the civil list revenue as now established; and that the Address proposed would be a sort of encroachment upon that right. I shall readily grant that his Majesty has a legal right to the civil list revenue, so he likewise has a legal right to the revenue for the current service of the year, and I think we but lately passed a law for hanging or transporting those who go armed with a design to rob or disappoint him either of the one or the other, which is more than any subject in the kingdom has for the protection of any sort of property; but as both these revenues are granted by parliament for certain and particular uses, both ought to be applied to those uses for which they were granted, and the parliament has a right to insist upon their being so applied. The civil list revenue was granted for supporting the honour and dignity of the crown, and making a sufficient provision for the whole royal family; and if any part of that revenue should be purloined, hoarded, or misapplied by the King's ministers, and the honour and dignity of the crown neglected, or any branch of the royal family not sufficiently provided for, the parliament has as good a right to address, and even to enquire into that misapplication, as they would have to enquire into the misapplication of the revenue provided for the current service, in case any part of that revenue should be applied to other purposes, and those services neglected for which it was intended by parliament.

Lastly, Sir, it may be said, that such an Address would look something like a parliamentary resumption; that it would look as if the parliament were going to resume and take back from his Majesty what was long since granted by parliament and settled upon him during his life. I confess, Sir, I do not like resumptions of any kind; I am always sorry when I find there is occasion for them; but nevertheless a resumption may sometimes become reasonable: when the cause of granting any revenue ceases, the grant itself ought to cease, and therefore ought to be resumed, or applied to some other purpose. For this, even with respect to the civil list revenue, we have a late precedent in point: in 1699, the parliament granted to king William a civil list revenue of 700,000*l.* per ann. for the service of his household and family, and other his necessary expences and occasions. This grant was by law settled upon that king during his life; yet in 1701, we find he resumed 100,000*l.* a year, part of this 700,000*l.* civil list revenue, and applied it toward the payment of the public debts, for this express reason, because the occasions for which the said 100,000*l.* was given, were then ceased. This, I say, is a precedent in point, for a resumption after the cause of granting has ceased; and from a parity of reason, if it should be afterwards found the cause of granting did not require near so large a grant as was at first imagined, and therefore, actually granted, ought not some part of that grant to be resumed, or applied to some other purpose? So that if it could be supposed that a less revenue than what was intended by parliament would be sufficient for the Prince of Wales, there would be some reason for resumption; but I am far from supposing any such thing; the Address I have proposed shews the contrary, and therefore it cannot be presumed that my motion has the least tendency towards a designed resumption; it is only for having a part of the civil list revenue applied to that use for which it was granted by parliament, and to which it ought in law, in equity, and in wisdom and good policy, to be applied; therefore I hope my motion for that purpose will be unanimously agreed to. The Answer was by

Sir *Robert Walpole* to the following effect:

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Sir: I rise up to offer you my sentiments upon the motion which the honourable gentleman has now been pleased to make to you; but I must begin with declaring, that I never rose up to speak upon any affair in this House with a deeper concern, a greater reluctancy, than I do upon the affair now before you. I shall most readily agree with the honourable gentleman that it is a matter of the highest importance, it is indeed of the utmost importance, but it is of so sad, of so melancholy a concern that I am sorry it ever should have been mentioned, or that any such motion should have been made in this House. I am sure the honourable gentleman does not view it in the same light I do; if he did, I am convinced he would have been the last to have mentioned it, or to have advised its being mentioned in either House of Parliament, and therefore, when he considers it seriously, I hope he will withdraw the motion he has made; for if he should insist upon it, he must necessarily bring every gentleman of this House under one of the greatest difficulties any man ever was, or ever can be in. It is an affair of property, it is a question by which the legal property of the crown itself is to be determined; and in such a case, must not every gentleman be under the greatest difficulty how to give his vote or his opinion? By declaring in favour of the motion, he may seem to injure the royal father his sovereign; by declaring against it, he may seem to injure the royal son and apparent heir to the crown. As I have the honour to know particularly the wisdom and the virtue of both the royal persons concerned, I can give my opinion with the more freedom; because I am sure neither of them will think himself injured by a gentleman's giving his opinion or his vote freely in parliament; and I am sure his royal highness the Prince of Wales has so much wisdom, and so true a sense of filial duty, that he will never look upon any thing as a favour done to him, if it has the least tendency towards offering an indignity to his royal father.

That there is no affair of an importance too high for the consideration of parliament I shall admit; but, Sir, there are many affairs of a nature so delicate, that neither wisdom nor good policy will allow of the parliament's taking them into their consideration; and if ever there was an affair in which the parliament ought to avoid giving judgment, the affair now before you is one. From our passing judgment in such an affair, every man without doors will imagine that there is a private mistake or dispute between his Majesty and his Royal Highness, and such an opinion, if it should generally prevail, may be of the most dangerous consequence to both. We should therefore if possible avoid giving any judgment in this affair; but as for complying with the motion, if it were in our inclination, I do not think it is in our power; it would be a violation of property, a taking from the King a part of that property which is already established in him by act of parliament, and to which he has as good a right as any private man in the kingdom has to any private property he does or can possess; for though the parliament has a power to appropriate money to particular uses at the time it is granted, yet afterwards they have no such power; and it has always been a rule of this House, not to enter into any consideration about money once granted to the crown, without first having the consent of the crown. The civil list revenue has already been granted to his Majesty; when we made that grant, we might have ordered the application of it to particular uses, and might have gone so far as to have appropriated a particular sum to each respective use; such a particular appropriation might perhaps, and I think with reason too, have been thought derogatory to the honour of the crown; but I shall not now controvert that point; no such particular appropriation was then made, and as it was not made at the time that revenue was granted, we have now no power to make any such particular appropriation, with respect to any parts of it, or with respect to any use to which any part of it ought to be applied; and much less have we now a right or a power to prescribe to his Majesty, what part of the civil list revenue ought to be applied towards maintaining the honour and dignity of his eldest son, or in what manner that application ought to be made. However, this will best appear from considering the several arguments made use of in favour of the motion, which I shall take upon me to do in as brief a manner as I can.

As for the maxim so much insisted on, That the Prince of Wales ought always to have a separate and distinct provision, and settled upon him in a manner as to be quite independent of the King his father, I never heard we had such a maxim in our constitution, nor can I see how it is

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possible to make a son altogether independent of his father, and much less to make a subject altogether independent of his sovereign. The latter would, I am sure, be a very great solecism in politics, and the former, whatever may be the case with respect to royal families, has, I am certain, often produced great misfortunes in private. It is true the custom has generally been for our kings to settle some estate by patent or charter upon their eldest sons, and those charters have often been confirmed by act of Parliament; but I cannot see a good reason for saying, that the making of such a settlement is absolutely necessary, or that the heir apparent of the crown cannot be educated, or cannot live in a proper manner without it; for that dependency which the son of a great family naturally has upon his father, can no way tend toward the debasing of his mind; and the dignity and grandeur, even of a Prince of Wales, may be as well supported by a yearly allowance as by a perpetual and independent settlement. For this reason there never was any regulation expressly established in this kingdom for providing an independent settlement for the Prince of Wales; but on the contrary, the making of such a provision, and the manner of settling that provision, have always been left entirely to the King upon the throne, nor has the parliament ever, or but very seldom, intermeddled in that affair, unless when applied to by the King or by some persons under his direction, and that application has generally proceeded from some other reasons besides that of making a settlement upon the Prince of Wales.

It is not so much as pretended, Sir, that any of those grants made by king Henry 3 to his son Edward proceeded from the interposition of parliament. On the contrary, it is evident, they proceeded entirely from the politics of the court at that time, and those politics were not founded upon the maxim of making the Prince independent, but upon a design of gaining the affections of the people in those countries which had been but lately subdued, it having been thought more honourable for them to be governed by the king's eldest son, than by any other subject. In like manner we know that none of the grants made by Edward 3, to his son Edward, the Black Prince, proceeded from any address or application from parliament; for though they were most of them confirmed by parliament, yet it appears that all those confirmations were obtained and passed at the desire of the King himself; and here likewise it may be said, and I believe with justice too, that the erecting of Cornwall into a duchy, and settling it upon the eldest son of every future king, as also the erecting of Guienne and Gascony into a principality, and granting it to the Prince of Wales, proceeded rather from a design of doing honour to those countries, than from any design of making the prince absolutely independent of his father; for we find it was a common practice in former days to erect a country or province into a duchy or principality, by way of doing honour to the country, and in recompence for some good services performed by the inhabitants. Thus we find the county of Chester was erected into a principality by Richard 2, because the militia of that county had countenanced and enforced his most arbitrary measures during his famous parliament at Shrewsbury; and every one knows that it has always been reckoned an honour to any city or province to adopt it as a title for any of the princes of the royal family; therefore we are not to conclude that the grants made to former princes of Wales are a sufficient authority for establishing it as a maxim, that every prince of Wales ought to have a separate and independent provision settled upon him.

Now, Sir, with regard to those cases mentioned where the parliament have actually interposed. In the case of prince Richard, eldest son of Edward the black Prince, it is very probable that application from parliament was procured by the king himself, in order to disappoint any hopes the duke of Lancaster, his second son, might have of succeeding to the throne; but suppose it was not procured by the king himself, as there was then some jealousy in the nation that the duke of Lancaster would endeavour to usurp the crown after his father's decease, who was then very old, the Parliament had great reason to address for having the eldest son of the deceased Prince of Wales created Prince of Wales in the room of his father, in order to avoid all disputes about the succession to the crown; which is a reason cannot be said now to subsist, and is a reason very different from that of having an independent provision settled upon the Prince of Wales. As for the application from Parliament for having Prince Henry, eldest son of Henry 4, created Prince of Wales, duke of Cornwall, and earl of

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Chester, it plainly appears to have proceeded from the King's particular favourites in parliament, therefore we must suppose it was with the approbation, or rather procurement of the King himself; and his reason for procuring such an application was very far from being founded upon any maxim or design of settling an independent provision upon the Prince his eldest son; but as his own title to the crown was a little doubtful, it is evident he procured that application from parliament, with a design to have his son declared his lawful successor, and only rightful heir to the crown. Then as to what was done in the reign of Henry 6, I hope none of the transactions of that unfortunate reign will be insisted on as good precedents for any thing that ought to be done in this; for that whole reign was a continued series of weak and destructive measures on the part of the court, and very unjustifiable incroachments on the part of the parliament.

Thus, Sir, none of the precedents mentioned relating to the heir apparent of the crown, can be any way taken as a good precedent for our agreeing to the motion now before us; and of the two precedents mentioned relating to the presumptive heirs of the crown, that, relating to king James, when duke of York, can have nothing to do in the present question; for the making of a settlement upon him was so far from proceeding from any address or other application from the parliament to the king, that it proceeded rather from the king's applying to his parliament for that purpose; and the parliament's having any thing at all to do in that affair proceeded from necessity not choice; because the revenue of the Post-office, and wine license office could not be settled upon the duke of York but by authority of parliament. And as for that relating to the late queen Anne, when princess of Denmark, it appears probable, indeed, that that affair was first brought into parliament, not only without the approbation, but contrary to the inclination of the court at that time; but what was the consequence? It occasioned an unseasonable prorogation of that session, by which the affairs of the nation were very much embarrassed; and if such were to be the consequence of our agreeing to this motion, I am convinced the honourable gentleman that made it, would not so much as desire any gentleman to agree to it. Nay, even that very parliament could never come to any fixed resolution in that affair, till they had obtained the king's approbation of what they were about to do, and then they unanimously agreed to address his Majesty to make a provision for the prince and princess of Denmark of 50,000*l.* a year; so that even that affair can be no precedent for our agreeing to this motion, till it be some way or other signified to us, that his Majesty approves of what we are about to do.

From these observations, I think, Sir, it will appear, that the precedents which have been mentioned are either such as ought not to be followed, or such as are no way applicable to the case now before us; therefore it cannot be said that the motion is founded upon any proper precedent; and whatever the wisdom and policy of our kings may have been with respect to the settling an independent provision upon the heir apparent to the crown, it seems it has always been the wisdom and policy of the nation to leave that affair entirely to the option of the king upon the throne, and never to intermeddle but when it has appeared, or has even been signified to the parliament, that their intermeddling would be agreeable to both the parties concerned. This, Sir, is true wisdom; this is right policy. Even, in private life, it is generally held to be officious and imprudent for a stranger to intermeddle in the family affairs of his neighbour, without any call from the parties concerned; if there was no breach before, it generally occasions one; and if there was a breach, it makes the breach wider much more often than it occasions a reconcilement. The parliament has a right, the parliament is often in duty bound, to offer advice to their sovereign; but in determining when, or upon what occasions, we may or can offer our advice, we ought to consider our sovereign in a twofold respect: we ought to consider him in his political and royal capacity, and in his natural and paternal capacity. In all cases which regard his political and royal capacity we have certainly a right to judge of the measures that are taken, and may recommend what we think most expedient; but in affairs which regard only his natural and paternal capacity we have no right to judge; it would be officious in us to recommend, without some sort of application from him for that purpose; and as the providing for every branch of the royal family is an affair which regards only his natural and paternal capacity, it would

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be officious in us, it is inconsistent with true wisdom or good policy for us, to pretend to judge, or to prescribe what ought to be done, or in what manner it ought to be done.

That the Prince of Wales ought to be supported, that he ought to be honourably supported, I shall most readily grant; and I shall likewise grant that the support of the Prince of Wales is and ought to be a charge upon the civil list revenue; but, Sir, that he has either a legal or an equitable right to any particular share of that revenue, or to any share, but such as the king his father pleases to allow him, is what I cannot so easily admit. I have perused all the acts of parliament that were ever made, relating to that revenue, I have particularly considered that act by which the civil list revenue was settled upon his present Majesty, and neither in that act, nor in any other, can I find any words for giving the Prince of Wales a legal right to any other share, than what his Majesty shall please to allow him; nor can I find any words from which a right to any other share can be equitably inferred. To me it seems his Majesty has as absolute a right to the whole civil list revenue, during his life, as any gentleman in England can have to his own estate. The eldest son of every landed gentleman in England ought to be supported out of his father's estate, and that support ought to be according to the character and circumstances of the family; yet I hope it will not be said that the eldest son has any legal or equitable right to any particular share of his father's estate, or to any share, but such as his father pleases to allow him, unless that right be established by some conveyance made to the father, or by some settlement before made and agreed to by the father.

In all cases of equity, to be sure, Sir, the intention of an act of parliament is to be chiefly regarded; but that intention must some way or other appear from the words. We are not to take the intention of a law from the intention this or that gentleman really had, or may say he had, when he agreed to the passing of that law. When a law is to be passed, and under the consideration of parliament, every gentleman may have his own intention, his own reasons for agreeing to it, and some may have reasons quite contrary to those of others. One gentleman may have an intention that it should be interpreted in one way, another may intend that it should be intepreted in a quite different; but when that law is passed, and comes afterwards to be applied to any particular case, neither the reasons nor the intentions of those who passed it, are to be regarded: There is nothing to be regarded but the context and the words of that law, in order to put upon them the most equitable construction they will bear; and to put such a construction upon any of those general words in the act for establishing the civil list revenue, by which that revenue is appropriated to the support of his Majesty's household, as would take from his Majesty the power of judging what was fit to be done in his own family, would, I am sure, be a very unnatural construction, and consequently, I must think, a very unequitable one. It is a construction the words themselves will no way admit of; it is an intention I am convinced no gentleman could have when he agreed to them.

I hope, Sir, from what I have said it will appear, that there is no absolute necessity, either from the nature of the thing, or from any maxim in our constitution, that a certain, perpetual and independent provision should be settled upon the prince of Wales; that if there were, it would be very improper for the parliament to intermeddle in the affair; and that his Majesty is the sole and only judge, whether such a settlement ought to be made or not. Therefore we must conclude, that his Majesty is the sole and only judge, when that settlement ought to be made. But to take away all farther dispute upon either of these heads, I must acquaint you, that I am commanded by his Majesty to lay before this House, that his Majesty yesterday sent a Message to his royal highness the prince of Wales, by the lord chancellor, lord president, lord steward, lord chamberlain, duke of Richmond, duke of Argyle, duke of Newcastle, earl of Pembroke, earl of Scarborough, and lord Harrington; which message, so sent by those Lords, being in writing, I shall now, Sir, deliver to you. This Message was as follows: viz.

"His Majesty has commanded us to "acquaint your royal highness, in his "name, that, upon your royal highness's "marriage, he immediately took into his "royal consideration the settling a pro-"per jointure upon the princess of Wales; "but his sudden going abroad, and his "late indisposition since his return, had "hitherto retarded the execution of these "his gracious intentions; from which short "delay his Majesty did not apprehend any

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" inconveniencies could arise, especially " since no application had, in any manner, " been made to him upon this subject by " your royal highness; and that his Ma- " jesty hath now given orders for settling " a jointure upon the princess of Wales, " as far as he is enabled by law, suitable " to her high rank and dignity; which he " will, in proper time, lay before his par- " liament, in order to be rendered certain " and effectual, for the benefit of her royal " highness.

" The King has further commanded us " to acquaint your royal highness that, " although your royal highness has not " thought fit by any application to his Ma- " jesty, to desire, that your allowance of " 50,000*l.* per ann. which is now paid by " monthly payments, at the choice of your " royal highness, preferably to quarterly " payments, might, by his Majesty's fur- " ther grace and favour, be rendered less " precarious, his Majesty, to prevent the " bad consequences, which, he apprehends, " may follow from the undutiful measures, " which, his Majesty is informed, your " royal highness has been advised to pur- " sue, will grant to your royal highness, " for his Majesty's life, the said 50,000*l.* " per annum, to be issuing out of his Ma- " jesty's civil list revenues, over and above " your royal highness's revenues arising " from the dutchy of Cornwall; which his " Majesty thinks a very competent allow- " ance, considering his numerous issue, " and the great expences, which do and " must necessarily attend an honourable " provision for his whole royal family."

And that to this Message his royal highness the Prince returned a verbal Answer, which, according to the best recollection and remembrance of the Lords, was in substance as follows, viz.

" That his royal highness desired the " Lords to lay him, with all humility, at " his Majesty's feet; and to assure his " Majesty, that he had, and ever should " retain, the utmost duty for his royal per- " son; that his royal highness was very " thankful for any instance of his Majesty's " goodness to him, or the princess, and " particularly for his Majesty's gracious " intention for settling a jointure upon her " royal highness; but that, as to the mes- " sage, the affair was now out of his hands, " and therefore he could give no answer " to it."

After which, his Royal Highness used many dutiful expressions towards his Majesty, and then added, " Indeed, my " Lords, it is in other hands, I am sorry " for it." Or to that effect. His Royal Highness concluded with earnestly desiring the Lords, to represent his Answer to his Majesty in the most respectful and dutiful manner.

From this most gracious Message it appears, Sir, that his Majesty has for some time given a yearly allowance to his Royal Highness, and such an allowance as his Majesty thought a very competent allowance considering his numerous issue, and the great expences, which do and must necessarily attend an honourable provision for his whole royal family; and it appears further, that this allowance has been regularly paid in that manner in which his Royal Highness himself chose as the most proper and convenient for him; therefore it cannot be said that the making of such an allowance has been in the least delayed; and if the converting of that allowance into a perpetual and independent settlement had been absolutely necessary, or were now absolutely necessary, it cannot be said there has been any such delay as can give occasion for the interposition of Parliament; because, if his Royal Highness had not before his marriage been satisfied with the manner in which his allowance was made to him, or had but signified that he thought it was established upon too precarious a foundation, his Majesty would have established it in any manner he desired; and considering how soon his Majesty went abroad after the happy marriage of his Royal Highness, it cannot be pretended that the least unnecessary delay has since that time been made, with respect to the making of a settlement upon his Royal Highness, even in that manner which is said to be absolutely necessary by the maxims and custom of the kingdom. But supposing that the making of that settlement had been unnecessarily delayed, whatever delay or neglect may have happened in that respect is now made up by his Majesty's message to his Royal Highness; and the communicating of that message to this House, which I have now done by his Majesty's command, must be a full answer to every thing that can be said, with respect to time at least, in favour of the motion now before us. Nay, from his Royal Highness's answer to his Majesty's message, it seems reasonable to believe that his Royal Highness is himself satisfied with what his Majesty offers, and that he would be sorry to hear of our having agreed to the motion now made to us; for

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what other meaning can be put upon his Royal Highness's saying, that "he was "sorry for the affair's being then in other "hands?"

For this reason, Sir, I think the debate will now be brought within a very narrow compass; for if the motion should now be insisted on, it can proceed from nothing but gentlemen's taking upon them to differ in opinion from his Majesty, and to think that 50,000*l.* a year out of the Civil List, besides his Royal Highness's revenue arising from the dutchy of Cornwall, is not a competent allowance, considering his Majesty's numerous issue, and the great expences, which do and must necessarily attend an honourable provision for his whole royal family. As this has been already insisted on, as it has been said that 100,000*l.* a year is the least his Royal Highness ought to have out of the Civil List, besides the revenues of the principality of Wales and dutchy of Cornwall, and that it was the least the Parliament that established the present Civil List intended he should have, I must beg leave to answer in as few words as possible, to what has been said upon that head, and to give my reasons for being of the same opinion with his Majesty.

By what I have said, or am to say upon this head, I would not have it understood, Sir, as if I believed his royal highness the Prince of Wales ought not to have more than 50,000*l.* a year: on the contrary, I think he ought to have a great deal more than double the sum, if it were possible for his Majesty to spare so much from the Civil List revenue, or if the nation were so happy as to be in a condition to increase the Civil List, so as to enable his Majesty to make such an allowance to his Royal Highness as he deserves, and as his Majesty would incline to give him. Were we to measure his allowance by his merit, as we know no bounds to the latter, we could prescribe no bounds to the former: the only course we could take would be, to offer whatever he pleased to demand; and even in that case we would have reason to fear lest his modesty might do an injury to his generosity, by making him confine his demands within the strictest bounds of necessity. I am not therefore to examine what his Royal Highness ought to have, I am only to endeavour to shew that we have no right to prescribe to his Majesty, what he ought to give; that it could not be the intention of that Parliament which established the present Civil List, to grant 100,000*l.* a year, or any other certain yearly sum out of the Civil List revenue to his Royal Highness; and that his Majesty cannot at present conveniently spare more than 50,000*l.* a year out of that revenue.

To say, Sir, that the parliament has a right to prescribe to his Majesty, what provision he shall make out of his own estate for any one of his children, has something in it at first view so very extraordinary, that I am surprized to hear it insisted on. Such a right would put the King in a much worse state than any one of his subjects: and I must desire gentlemen would consider, what a foreigner would think of this nation, if he should be told, we entrust the King with the government of the whole kingdom, but we will not entrust him with the government of his own family. I do not know that there is in all our histories or records any one precedent or foundation for such a parliamentary claim, but that single one in the reign of Henry VI. and that was, we know, so weak a reign that it became necessary for the parliament to assume several rights and privileges which they were not properly, and by the nature of our constitution, intitled to. As for what the parliament did in relation to the princess Anne of Denmark, it can no way be made use of in the present case; that affair was first brought into parliament when they were considering how much it would be necessary to allow for the support of our civil government, and then it became very proper to take into their consideration what particular sum was to be allowed for the support of the prince and princess of Denmark; for though they were of the royal family, they were not of the King's own family; and therefore the appropriating of a certain particular sum for their support, or the addressing to have a certain sum appropriated for that purpose, could not be called an intermeddling in the King's domestic affairs.

Besides, Sir, it is not so natural for any man to provide honourably for his presumptive heir, as for any one of his own children: the presumptive heir is sometimes looked on even with jealousy and envy; and therefore, there is a very strong reason for the parliament's interfering more particularly in one case, than common decency can admit of in the other.

But suppose, Sir, the parliament had a right to prescribe to his Majesty, what provision he shall make out of his own estate for any, or for every one of his children, how is it possible for us to exercise that

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right in our present situation? Before we can with any countenance pretend to exercise such a right, we ought to examine narrowly into the produce of the civil list revenue, and the several uses to which it must necessarily be applied, in order to see how much his Majesty can conveniently spare out of that revenue: we ought likewise to examine particularly into the establishment of his royal highness's houshold, and all the expences he may necessarily be put to for supporting the dignity and grandeur in which the heir apparent to the crown of Great Britain ought to live, in order to determine what particular sum his Majesty shall allow him annually out of the civil list revenue. Is it possible for us in our present situation to examine into either of these particulars? We have at present no account relating to the civil list, nor any account relating to his royal highness's houshold before us, and without a multitude of such accounts it is not possible for us to go through with any such examination.

Now, Sir, with regard to the intention of that parliament by whom the present civil list was established; if we consider the circumstances of the royal family at that time, and the circumstances of the royal family when the civil list was established in the former reign, we shall very easily find a meaning for the 'Experience of past times' being very different from what is now put upon these words. When the civil list revenue was established upon his late Majesty, a very narrow scrutiny was made into the whole articles of the expence of our civil government, and particularly into the expence necessary for supporting the dignity and grandeur of the prince of Wales; from which scrutiny it was computed that 600,000*l.* a year at least would be necessary for supporting the King's houshold and civil government; but let us consider that the King had then no queen, nor any children to provide for: from the same scrutiny it was computed that 100,000*l.* a year out of the civil list revenue was the least sum that would be necessary for supporting the dignity and grandeur of the prince of Wales; but let us remember that the prince of Wales had then a princess of Wales, and, to our happiness, several children to provide for. During that reign it had been found that 100,000*l.* a year was sufficient for supporting the prince and princess of Wales, and all their children; but it had likewise been found that it required 700,000*l.* a year to support the King's houshold and civil government, though he had no queen nor any children to provide for.

This, Sir, was the 'Experience of past times' which gave occasion to the increasing his present Majesty's civil list revenue to 800,000*l.* a year; but if we consider the circumstances of the royal family at the time of his Majesty's accession, we must see that the parliament from this very experience could not but conclude, that it would require more than 700,000*l.* a year to support his present Majesty's houshold and civil government; because he had a queen and several younger children to provide for, which the late king had not; and from the same experience they must likewise have concluded, that it would not require 100,000*l.* a year to support the Prince of Wales, because he had then neither a princess, nor any children to provide for; for if they had concluded that 100,000*l.* a year would be necessary for supporting the Prince of Wales singly, they must from the 'Experience of past times' have granted more than 700,000*l.* a year for supporting the present King's houshold and civil government, considering that he had a queen and several young children to provide for, which the late king had not; and since they granted for the support of the present King's houshold and civil government, but exactly the same sum that had been found from the 'Experience of past times' to be necessary, and had been actually given for the support of the late King's houshold and civil government, it is apparent to me they concluded his Majesty might save and deduct as much from the allowance to be made to the Prince of Wales, as would be sufficient for providing for her present Majesty the queen and all their other children. From all which it is to me evident that the parliament that established the present civil list did not intend his Royal Highness should have out of it a full 100,000*l.* a year. They intended only what was right they should intend, and what only in due deference to their sovereign they could intend, which was, that his Majesty should allow the Prince of Wales what he, in his great wisdom, might think a competent allowance for supporting the honour and dignity of the heir apparent to the crown, considering his Majesty's numerous issue, and the great expences, which would necessarily attend an honourable provision for his whole royal family.

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I think, Sir, I have now clearly shewn what his Majesty meant by, and what the parliament could only intend from 'Experience of past times;' and, if we now proceed upon the same foundation, we must conclude, that the 500,000*l.* a year is the most his Majesty can spare out of the civil list for the support of his Royal Highness. His Majesty allows 8,000*l.* a year for the support of his Royal Highness the duke of Cumberland, 5,000*l.* a year to her royal highness the princess of Orange, 5,300*l.* a year for the two eldest princesses, and 2,000*l.* a year for the two youngest; all which are extraordinary expences unknown in the late reign. To these if we add the 50,000*l.* a year for the support of her Majesty, which was likewise unknown in the late reign, and a proportionable additional allowance for bed and board, and other extraordinary expences in the several palaces, we must conclude that his Majesty must necessarily be at 100,000*l.* a year expence more than was found, or could be necessary in the late reign, which will make the whole expence of his Majesty's houshold, and civil government, without including the allowance of the Prince of Wales, amount, according to the experience of past times, at least 800,000*l.* a year; so that every shilling his Majesty allows for the support of the Prince of Wales, must arise from the frugality and good management, and from contracting, and saving a part of that expence which was found necessary in the late reign. Therefore, so far from concluding or imagining that his Majesty may spare more than 50,000*l.* a year for his Royal Highness, we have reason to be surprized how he can spare so much.

But this, Sir, will appear still more evident by an example in private life. Suppose two country gentlemen, each of 8,000*l.* a year estate in land: suppose their rents equally good, and equally well paid, and that their lands are equally taxed; and suppose that one of these gentlemen has but one only son, but that the other has five or six children. Can we suppose the latter able to settle upon his eldest son as large a part of his estate as the former may spare to settle upon his only son? Surely, Sir, no man in reason can suppose any such thing; the latter has his younger children not only to maintain, but to provide for, therefore neither he nor his eldest son can live in such grandeur, as the former and his only son may do. This is the very case before us: his present Majesty has but 800,000*l.* a year estate, the late king had the same, if we add to his late Majesty's settled revenue, the several additional grants that were occasionally made to the civil list in his reign. His late Majesty had but one only son; his present Majesty, to our comfort and happiness, has several children; and therefore it is not to be supposed that the present King, or the present Prince of Wales, can live in such grandeur, as the late king, and the present, whilst Prince of Wales, were able to do, unless the parliament should think fit to increase the estate of the crown by a new additional grant to the civil list revenue.

I shall take no notice, Sir, of the insinuations that were made against the management of the Civil List revenue in the late reign, or the method of settling it in this. I do not think they any way relate to the present debate. The management in the late reign, might, if necessary, be easily accounted for; and the method of settling the Civil List revenue in this reign hardly deserves the name of an improvement. But now after having shewn that we have not properly a right to present such an address as is proposed; that we ought not either in wisdom, or policy, or even common decency, to present such an Address, I must beg, I must intreat of gentlemen to consider what they are about. Gentlemen may call it, if they please, offering our advice to our Soverçign; but it is really bringing his Majesty and his eldest son as plaintiff and defendant before us. In this light it will be looked on by every man without doors. It is stating ourselves as the higher power, and bringing his Royal Highness to sue for justice before us: our agreeing to the question, would be a determining that his Majesty had done injustice to his eldest son: it would be giving a victory to the son over the father, which might prove, the Lord have mercy on us, the destruction of both. No man can patiently bear an inquiry into his family affairs; no father can easily forgive a son for appealing to a higher power: for God's sake, let us stop in time this widening gap, which may make way for an inundation to drown us all. Our agreeing to such a question might occasion a perpetual breach, an *Immedicabile vulnus*, though not, I hope *Ense recidendum*. I hope the wisdom of this House will timeously prevent any amputation.

The question now before us, Sir, is of a most dangerous nature, it may be the

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occasion of such fatal consequences to the royal family and to the whole kingdom, that I must think, the orginal authors and contrivers of it can be no friends to either. I am far from suspecting any gentlemen of this House, or any member of either House of Parliament. It is not possible for me to suppose that either of them could have been the original author or contriver of such a question; and I am sure no gentleman of either House would have attempted to have brought such a question into parliament, if he had viewed it in the same light as I do. We may remember, Sir, the fatal division that happened between his late Majesty, and his present Majesty when Prince of Wales: We may remember to what a height that fatal division was carried. The Prince of Wales, the eldest, the only son of the king, and heir apparent to the crown, was turned out of the royal palace, was excluded from every one of the royal palaces, and was obliged to live like a private nobleman, in a private house, and without any guards, or other ensigns of royalty. Nay, his very servants were tempted and hired to forsake him, and were even threatened and bullied if they refused; yet it cannot be said that the son was ever guilty of any undutiful behaviour, or that the father was deficient in natural affection. To what then could this terrible division be owing? It could be owing to nothing but little malicious slanderers and tale-bearers, who, for their own private ends, stirred up a division in the royal family: But it is well known they are all foreigners who were the original authors of it: We know there was not a British subject had the least hand in it. However, be they who they will, it is certain they could be no real friends either to the father or the son, or to any of the royal family.

I am surprised, Sir, to hear it now so much insisted on, that the Heir Apparent or presumptive of the crown has a right to have a distinct and independent provision settled upon him. I remember a time when this doctrine was far from being admitted as one of the maxims of our constitution. I remember a time when the present royal family, who were then the presumptive heirs of the crown by act of parliament, were so far from being allowed a distinct and independent settlement, that they had no allowance at all: Nay, even when the question was moved, the parliament would not so much as give any of them leave to come and reside in the kingdom. The maxim now insisted on was therefore very far from being thought a maxim at that time, and I should think it very strange, if those who were then so regardless of the presumptive heir of the crown, should now shew themselves so careful of the apparent heir, as to do an injury to the King upon the throne, for the sake of providing a very large independent settlement for the apparent heir.

I am likewise surprized, Sir, to hear the term, emancipation, made use of in this debate. In this kingdom to talk of the son's being emancipated by marriage out of the family of his father, is certainly not a proper and just way of speaking. In those countries where the term emancipation was first made use of, the son was in some manner the slave of his father. In those countries fathers had at first even a power of life and death over their children, and a right to every thing the son could acquire either by his own industry, or by gift, or otherwise; nor was the son freed from his paternal power by marriage: The only way of freeing him was by a solemn act of the father, and edict of the prince, or a decree of the magistrate; and the freeing of the son from the paternal power by either of these ways was called emancipation. But in this kingdom we can have no such term, because the father has not properly any power over his children; a son after he comes of age has no further dependence upon his father, than what proceeds from filial affection and duty, and this continues after his marriage the same it was before; it is a dependence, which never can, nor ever ought to be taken away: It is a dependence which, I am sure, no member of this House would endeavour to diminish; for whoever endeavours to diminish it can have no true regard either for the son or the father.

But, Sir, I must confess, I am no way surprized to find that those who were some time ago for incroaching upon the king's prerogative with respect to the officers of his army, should now be for incroaching upon his paternal power with respect to the providing in whatever manner he may think most proper for his own children. I am persuaded neither of these attempts proceeded from any real disaffection to his Majesty, or his illustrious family: I believe both proceeded from mistaken notions of liberty, or from an erroneous idea of our constitution; but I hope those gentlemen will consider, that what they now propose is really in some manner, as I have said, accusing his Majesty of injustice to-

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wards his eldest son. It will be so looked on by the whole nation. This will of course very much lessen the esteem the people have, and ought to have for his Majesty; and will certainly make many of them suppose he is no longer fit to rule over us. The consequences of such an opinion may be extremely fatal. For my own part, if I were in a foreign nation, and should hear that such a question as this had been brought into the parliament of Great Britain, and carried against the father, I should expect to hear, by the next post, that the same parliament had deposed the father, and had set the crown upon the head of the son. This is a consequence which, I am sure, the son would be far from desiring to see; it is a consequence which I am convinced no gentleman in this House designs; but as it is a consequence which I think sooner or later might be justly apprehended from this question's being carried in the affirmative, therefore I thought myself obliged to rise up and give my reasons for being against it; and now that I have done so, whatever may happen to be the fate of the question, I am sure I shall sleep this night much sounder in my bed, and with a safer conscience, than I could have done, if I had given only a bare negative to a question in which I think the happiness of my king, the happiness of the royal family, and the happiness of my country so deeply concerned.

To conclude, Sir, as the honourable gentleman who moved you this question, has told us that several arguments of great dignity and weight might be made use of against it, I have and shall always have so great a deference for that gentleman's opinion, that I shall, upon all occasions, be extremely cautious of giving my assent to any question against which he thinks any argument of dignity or weight may be made use of. It is true, he endeavoured to evade those arguments by making some sort of answer to each; but those answers will, from what I have already said, appear, I think, to be very insufficient; so that the arguments he made use of against his own motion must now stand in their full force. In all questions, even where the prerogative is concerned, which relate to affairs of a public nature, the parliament may interpose, but in those which relate only to the royal family, the parliament can have no concern: Even his Majesty's ministers cannot properly or prudently intermeddle, unless specially called upon. As for the parliament's resuming any grant, when the cause of granting ceases, it can have nothing to do in the present debate; for there is no pretence for saying that any one of the causes for granting the present civil list revenue has ceased. And as to the amount of the civil list revenue, and the manner in which it is established, or the uses for which it ought to be applied, I am surprized to hear any objections made to the former, or any attempt made for directing the latter, since at the time of granting, as I am told, it was unanimously agreed to in one House, and with but one contradictory vote in the other; and I do not hear that in either House there was the least mention made of the uses to which the whole, or any part, ought to be applied. In short, Sir, there was never any thing happened in parliament, gave me so great a concern as the hearing of this motion made. The very making of such a motion may be attended with cruel consequences; but if it should be agreed to, after having used my utmost endeavours to prevent it, I shall pray to God to avert those judgments which may be brought upon the whole nation by our agreeing to such a motion. This I take to be my next indispensable duty; but I hope the success of my endeavours will prevent such a melancholy occasion for my prayers.

The Reply was by Mr. Pulteney and the other gentlemen, who spoke for the motion:

Sir; The importance of the present debate I shall readily acknowledge, has been, I think, acknowledged by every gentleman who has spoke upon either side of the question; but some of the gentlemen who have spoke against the motion, have endeavoured to represent it in a light which, I am sure, it can no way bear; a light which, I must say, can no way contribute to the honour or advantage of either of the two royal persons who seem to be concerned. To insinuate that either of them can conceive the least grudge from any thing that passes in parliament, is really, in my opinion, to insinuate, that they are ignorant, or not observant of the rights and privileges of parliament. This, I believe, the honourable gentlemen were not sufficiently aware of, otherwise they would not have pretended that this motion, or any motion in parliament, could ever occasion any breach or dispute between his Majesty and his royal highness the Prince of Wales, or that it can lay any gentlemen under the least difficulty how to behave.

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As my attachment to the present royal family is so well and so publicly known, I cannot, I think, be suspected of desiring or designing to foment or stir up any division between them: I hope every one who knows me will do me the justice to think, I would do all in my power to prevent any such fatal division; and for this very reason I am for agreeing to the motion now made to us; because it will remove that which is often the cause of dissension in private families, and may be the same even with respect to the royal; for when the son is obliged to apply to the father for every trifling sum he may have occasion for, it is a continual fund for dissension, and often begets a coolness both on the one side and on the other.

It is to be supposed, I hope, Sir, there will always be good reason for presuming, that the behaviour of every gentleman in this House, with respect to any motion he may make, or any opinion or vote he may give, is founded upon what he thinks right, upon what he takes to be his duty as a member of this House; and to imagine that his Majesty, or his Royal Highness, would be offended at any gentleman's doing what he takes to be his duty in parliament, is certainly a very wrong, and a most groundless imagination: but to suppose that either of them could conceive the least grudge against the other, on account of any motion or question in parliament, is to suppose that the parliament is directed in every thing they do, either by the one or the other; which is a supposition as injurious to the honour of parliament, as it is inconsistent with the wisdom and justice both of his Majesty, and of his royal highness the Prince of Wales; we therefore ought to suppose that neither his Majesty, nor his Royal Highness, knows any thing of what we are about; we are in duty bound to suppose, that neither of them will be offended with the fate of this question, be it what it will; and it is impossible to suppose it can occasion any breach between them; so that let the importance of the question be of ever so high a nature, it can be of no melancholy concern, nor can it be attended with any cruel consequences. No man can from thence imagine there is any private mistake or dispute between his Majesty and the Prince, because no man can justly suppose, I hope no man does suppose, the proceedings in parliament are directed by either. The only thing they can suppose is, that his Royal Highness is not as yet provided for in the manner he deserves, and in that manner in which all former Princes of Wales have been; and this was not only supposed, but publicly known, and generally talked of, long before this motion was thought of; therefore, if this motion has any effect on people without doors, it will be, to shew them, that we are mindful of our duty, and that we have a due regard for the honour of the nation, and for the happiness and independency of the Heir Apparent to the crown.

I am far from thinking, Sir, that our agreeing to this motion will occasion any breach between the two royal persons concerned: on the contrary, I am convinced it will be extremely pleasing to both. The Royal Father must be pleased to see his eldest son and Apparent Heir so greatly beloved, as to have the parliament interesting themselves in his behalf; and the Prince will be pleased to see the parliament taking care of his being made independent of his father's ministers and servants. Therefore no gentleman can in that respect be under any difficulty in giving his vote for the question; and I am surprised to hear it said that by voting for or against it, an injury can be done to either of the royal persons concerned. Can the giving of an honest and disinterested advice ever be looked on as an injury to the person to whom it is given? Can my refusing to give an advice, which I do not think proper, be looked on as an injury by any person whatever? The address proposed is only by way of advice; and it is giving our advice in the humblest manner. Shall this, Sir, be called a violation of property? Shall it be called a taking from the king that property which is established in him by act of parliament? If the motion had been, to bring in a Bill for taking 100,000*l.* from the civil list, and settling it on the Prince of Wales, there might have been some pretence for such exclamations; but surely our advising his Majesty, in the humblest manner, to give what we think the Prince ought to have, can never be called a taking his property from him by violence; even supposing he had as good and as absolute a right to the whole civil list revenue, as any private man can have to his estate: which I cannot grant without some restriction; for a private man may squander his estate in what manner he pleases, whereas, if the civil list revenue should be ridiculously squandered, the parliament would have a right to interpose, and would, I believe, inter-

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pose in a manner more effectual than that of addressing.

To pretend, Sir, that the parliament has no power to appropriate money after it is granted, or that we never enter into any consideration about money once granted to the crown, without the previous consent of the crown, has no relation to the present debate; because it is not now proposed to bring in a Bill for appropriating any money, nor to take into our consideration any grants made to the crown; it is only proposed to address his Majesty to make such a settlement on the Prince of Wales as we think necessary for supporting the dignity and grandeur of his high birth: but I must confess, I am at a loss to know how the power of parliament comes to be confined in either of the cases mentioned; I am sure the parliament often in one Bill appropriates sums of money granted by former Bills in the same session, and why it may not appropriate money granted by a Bill passed in a former session, I cannot comprehend: and, I think, but last session, we took into our consideration, and absolutely released a very large sum of money, formerly granted to the crown, without any previous consent of the crown; for I do not remember we had any general message from the crown, when we passed the late famous Bill for and against smugglers, by which a very large sum of money, due by them to the crown, was absolutely released by parliament; though it must be granted, his Majesty had as good and as absolute a right to every shilling of that money, as he has to any other part of the civil list revenue. Therefore, if a motion had actually been made, to bring in a Bill for taking 100,000*l.* a year from the civil list, and settling it on the Prince of Wales, it would not have been without precedent, with respect to our having no previous consent from the crown; and as the parliament has certainly a right to see every sum of money applied to that use for which it was intended, though not expressly appropriated, with respect to the power of parliament, such a motion would not have been entirely without reason: but as the motion now made to us is only for an address, there can be no doubt of the parliament's having a power to present such an address as is proposed, and therefore the only question is, Whether or no it be proper?

With respect to this question, Sir, the debate seems now indeed, by his Majesty's message, to be brought within a very narrow compass; it seems in some manner to be reduced to one single point, which is, whether his Majesty can spare more than 50,000*l.* from the civil list revenue, for the use of his royal highness the Prince of Wales? By this message even his Majesty seems to acknowledge, that the Prince of Wales ought to have an independent settlement, and that it is now high time that settlement should be made; and the hon. gentleman who delivered us the message seems to admit that the settlement proposed by it to be made is not a sufficient settlement; so that the only question now remaining is, Whether the civil list revenue, as it stands at present, can possibly spare a larger sum for the use of his Royal Highness? And from this being made a question I shall shew, that the address proposed is a very proper address, and that it is become absolutely necessary for us to agree to present such an address; but as some objections have been made to the right which the Prince has to a sufficient independent settlement, I shall first beg leave to answer some of the most material objections I have heard made against it.

The maxims of state, Sir, in any kingdom or commonwealth, are always most certainly to be deduced from their ancient and general customs: the historians, or political writers of any country, may be mistaken, they may deliver that as a maxim of state which never had any authority as such; they may neglect to mention, or may perhaps not observe a maxim which has always obtained; but where a custom has been long and generally received, the maxim, or rule in politics upon which that custom is founded, must be allowed to be a maxim of state in that kingdom or commonwealth. Can any one then say, the settling of an independent and sufficient provision upon the Prince of Wales is not a maxim of state in this kingdom? Is it not a custom which has been observed, without any one exception, as long, as far back, as we can trace our monarchy? And the wisdom of this maxim, not only appears from the nature of the thing itself, but is expressly pointed at almost in every one of the charters and acts of Parliament that have been granted or made for that purpose. First, with respect to the Prince, the wisdom of this maxim is evident, because he is thereby enabled to support the dignity and grandeur of his birth, without a dependance upon his father's ministers and

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servants: and then with respect to the crown itself, the wisdom of this maxim is still more evident, because it is established and secured by the honour and character acquired by the heir apparent. These two considerations are both pointed at in the charter, or act of Parliament, by which Edward 3, granted the dutchy of Cornwall to his son Edward the black prince; and in the charter granted by that King for creating his son Prince of Wales, the reason for that grant is expressly declared to be, for doing honour to the King, and for adding strength to the nation and to the royal family. Thus, Sir, we see that the settling of an independent provision upon the Prince of Wales, was looked on as a piece of great wisdom by Edward 3, but now it seems we are to look on it as a solecism in politics, as a step which might be the occasion of great misfortunes to the royal family.

But, Sir, while I can distinguish between that laudable, that honourable dependance, which proceeds from loyalty and filial duty, and that vile, that sordid dependance, which proceeds from lucre, I shall always be of the same opinion with our great king Edward 3. The Prince of Wales must always have a dependance on the King as his father, as his sovereign: this is a sort of dependance which no man can, which no honest man would endeavour to take away or diminish; but to say that he ought to have a pecuniary dependance upon the King, or rather upon the King's ministers, is to say he ought to have a sort of dependance which no man of honour or spirit can submit to; and it is a sort of dependance absolutely inconsistent with our constitution. The Prince of Wales is by his birth the first peer in Parliament, and consequently ought not to be subjected to a dishonourable dependance upon any man; but if it should once be established as a maxim, that he ought to be under a vile pecuniary dependance upon his sovereign, it might then be justly said, he was not only the first peer, but the first pensioner in Parliament.——From this consideration alone we may see how absolutely necessary it is, to have a sufficient and independent provision settled upon every Prince of Wales before he comes to man's estate; and the making of such a settlement will be so far from destroying or diminishing that dependance which proceeds from loyalty and filial duty, that it will increase and secure it; whereas the keeping him under a pecuniary dependance may provoke him to shake off both his loyalty and filial duty. A pecuniary dependance is a dependance of so slavish a nature, that no great mind can long bear it: the more honour, the more spirit a man has, the more impatient will he be to get rid of such a dependance, and that impatience may at last get the better both of his loyalty and his filial duty.

Thus, Sir, in every light we can put it, the wisdom of this maxim, and the necessity of observing it, must appear evident to those who think there is any other dependance in nature besides that which proceeds from lucre. Indeed to those who put no trust in any other sort of dependance, the politics of Edward 3, and the maxim on which those politics were founded, must appear ridiculous and absurd; but, I hope, there are no such gentlemen in this House. I hope there is no gentleman in this House that ever submitted to such a slavish dependence, or that ever endeavoured to impose any such upon others; and, I am sure, no man can put his only trust in that which he has never felt within himself, nor ever experienced in others.

For this reason it cannot but appear strange to me, that any gentleman in this House should attempt to evade or deny the maxim I have endeavoured to establish; yet so loth, I find, are some gentlemen to admit of it as a maxim of state in this kingdom, that they have ransacked our histories to find out other reasons for the frequent settlements made upon our Princes of Wales; and though the security of the crown, and the enabling the Prince to support the honour and dignity of his noble birth, are the reasons, and the only reasons, mentioned in the charters by which those settlements were made, yet we are told these were not the true reasons; but that the true reasons were, in order to do honour to some county or borough, to secure the affections of a people newly conquered, or to declare and establish the right of the Prince of Wales as next heir to the crown. Thus when we are to interpret ancient laws or charters, we are not to take their meaning or intention from the words, we are to have no regard to the express words of the law, but we are to take its meaning or intention from the history of some cotemporary facts with which we cannot but be very well acquainted; whereas when we are to interpret any late statute, for example, the statutes by which the Civil List revenue was estab-

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lished, we are to regard the words only, we are not to take the meaning or intention of the law from the history of those cotemporary facts with which we are very well acquainted, and which facts, to the particular knowledge of many of us, greatly influenced the passing of those laws, and were the chief cause of the shape they now appear in. Whether this method of interpreting statutes be established upon any rule or maxim of law, I do not know; but to me it seems directly contrary to common sense; and therefore I must still continue to think, it has always been held as a maxim of state in this kingdom, that the Prince of Wales ought to have a sufficient independent estate of his own; and that this maxim, and the wisdom and policy upon which it is founded, were the chief causes of all those settlements that have been made.

A yearly allowance, or an annuity depending upon the will and pleasure of the King, might perhaps enable the Prince, if he resolved to spend the whole, yearly as it comes in, to live in as grand a manner, as an annuity of the same value settled upon him independently and for life; but as an annuity depending upon the will of any man mustbe precarious and uncertain, no man of common prudence will resolve to spend the whole yearly: he will look on it as a sunshine, upon the continuance of which he can have no dependance, and that therefore he ought to save as much as possible, in order to provide for a cloudy or rainy day. Besides, Sir, an annuity of such a nature looks so very like a pension, it would be inconsistent with the honour of the nation to suffer that the heir apparent to the crown should have nothing else to depend on. It would even be inconsistent with our constitution. In this kingdom we do not admit the judges of our common-law courts to depend upon the precarious will and pleasure of the King, and shall we admit or suffer that the prince of Wales, who is one of the judges of the supreme and highest court of judicature in the nation, should have nothing else to depend on? Therefore we must conclude that, from the established maxims of the kingdom, from a continued series of precedents for a great many ages passed, and from the very nature of our constitution, the prince of Wales has a right to a sufficient and independent settlement; and that the parliament may interpose for making that right effectual, has been shewn from many precedents.

It is true, Sir, this likewise has been objected to, and it has been said, that the parliament has seldom or never interposed but when desired or prompted by the crown to do so; or otherwise, that the precedents are such as ought not to be drawn into example. Sir, there is not one of the precedents which have been mentioned, that appears to have been founded upon any message from the crown. The motion was perhaps, in some of them, made by one who was known to be a courtier; but can it be said that the motion's being made by a courtier, without so much as signifying he had any authority from the crown for that purpose, would have made it proper for the parliament to have agreed to a motion, which it would not have been proper for them to have agreed to, if the same had been made by any other person, or by one who was not known to be a courtier? Therefore we must suppose, that without any regard to the mover, the parliament approved of the motion, and thought it such a one as was proper for them to agree to; and from thence we must conclude, that every one of the precedents mentioned in the beginning of this debate is a good precedent for the address proposed.

But unluckily, Sir, for the gentlemen of the other side of the question, there are, I think, very sufficient reasons for believing, the address, or petition of parliament, for having Richard the son of the black prince created prince of Wales, was resolved on by parliament without any direction from, nay probably in opposition to the court at that time; for it appears from our records that that young prince was sent to parliament at the desire and upon a petition of the Commons; and when the parliament addressed for having him created prince of Wales, the King's answer shews he was not very well pleased with the address; for in his answer he tells them, the creating of a prince of Wales no way belonged to the parliament, but to the King only; which is an answer it can hardly be supposed he would have made, if the address of parliament had proceeded from his authority, or had been moved for with his approbation: then again, from the circumstances of the court at that time, it is not probable the King would have been so forward in creating his grandson prince of Wales, if he had not been forced to it by his parliament; for it is certain that King, in his old age, fell into a sort of love dotage, and gave himself entirely up to the management of his mistress Alice Pierce, and his

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second son, the duke of Lancaster, which raised a most reasonable jealousy in Edward the black prince, who was then upon his death-bed, and therefore could not but be anxious about the safety and right of his only son prince Richard, whom he found he was soon to leave a child in the hands of a doting grandfather, and an ambitious aspiring uncle. For this reason, it is thought, he applied privately to parliament, and they obliged the King to send his second son abroad, and to banish his mistress and all her favourites from court which happened only about a year before the black prince's death; but no sooner was that prince dead than the King recalled this duke of Lancaster; and Alice Pierce, and her favourites, resumed their places and their interest at court, insomuch that a member of the House of Commons was imprisoned for having spoke freely against her in parliament, and was actually a prisoner, when prince Richard was created prince of Wales, which shews that the King was then very much under her management; and it is not very probable she would advise the king to be so very speedy in conferring that honour on prince Richard, since she could not but be sensible that young prince's father had been the cause of her having been banished the court. For these reasons I think it may most probably be presumed, that both the motions in favour of prince Richard, both that for his coming to parliament, and that for creating him prince of Wales, were made and carried in parliament, in opposition to the court at that time. This fully justifies the motion now made, and shews we have a right and a power to interpose in favour of the heir apparent to the crown, without any previous consent of approbation from the crown; and I hope it will not be said of the reign of Edward 3, as has been said of the reign of Henry 6, that nothing that happened in that reign ought to be made a precedent for any thing in the present reign.

But, Sir, even with respect to the reign of Henry 6. As unfortunate, as tempestuous a reign as it was, there were many things then done by parliament, which ought to be made, and which, I hope, always will be followed as good precedents, as often as the parliament has the same occasion. When the nation has the good fortune to be under a wise and a prudent administration, the parliament has never an occasion to exert any of its extraordinary powers. It is in a weak reign, or under a wicked administration, we are to look for the powers of parliament; it is in tempestuous times the state flies to parliament for preservation; there, I trust in God, the state shall always find it, and then the power of parliament can be bounded by nothing but the good of the public.

Another precedent, which we are told ought not to be followed, is that which happened in the reign of king William; and why is not this to be followed? Because it produced a prorogation. Sir, I say, for that very reason it ought to be highly applauded, and ought to be followed. Can it be said that the princess Anne of Denmark ought not to have had some additional settlement made upon her? Would not such a neglect have been a blemish upon the glory of that reign? Yet that wise and great King, by the advice of some weak or malicious favourites, would probably have committed that error, or would at least have omitted that duty, if it had not been for the honour, the fidelity, and the obstinacy of his parliament. They thought it was what the King ought to do, they therefore thought it was their duty to advise him to do it; they insisted upon it, notwithstanding the King's displeasure, and by disobliging him they put one of the greatest obligations upon him; because they at last prevailed with him to do that which was right. The behaviour of that parliament is therefore a glorious example, which I hope, will be followed by this. I can have no apprehension that an unseasonable prorogation will be the consequence of our agreeing to this motion; but if it should, it can be no reason against our agreeing to the motion: it would be a strong reason for our resuming the affair, and agreeing to a motion of the same nature the very first day of the next session.

But we have been told, Sir, there may be a reason for the parliament's interposing between a king and his presumptive heir, which can never hold with respect to a king and his eldest son: because it is not so natural for a man to provide honourably for his presumptive heir, as it is to provide for his own children. Suppose then a king who has no children, does not provide honourably for his presumptive heir, what is it that gives the parliament a right to intermeddle? Is it not the right which that presumptive heir has by the constitution and maxims of this kingdom to a sufficient independent settlement, and the power the parliament has to see that right made

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effectual? And has not the heir apparent as good a right, by the constitution and maxims of this kingdom, to a sufficient independent settlement, as the heir presumptive? Surely he has; he has not only the same right by the maxims of the kingdom, but also an additional right by the laws of nature; and if the King his father should neglect or refuse to give him his right, which may certainly happen some time or other to be the case, has not the parliament a power to see that right, at least which he has by the maxims of the kingdom, made effectual? To say they have not, would be to tell us, that where the maxims of the kingdom only are neglected, the parliament may interpose, in order to procure a remedy; but where both the laws of nature and the maxims of the kingdom are neglected, the parliament cannot interpose, nor make the least step towards procuring a remedy.

To avoid falling into such a palpable absurdity, we are told, that common decency does not admit of the parliament's interposing between father and son, that it would be intermeddling in the King's domestic affairs, and prescribing to his Majesty what provision he should make for his children; and lastly, that though the parliament may have a right to offer advice to their sovereign in affairs which regard his political and royal capacity, yet they never ought to offer advice to him in any affairs which regard only his natural and paternal capacity. As for common decency, Sir, it can never be inconsistent with a man's duty; therefore if it be the duty of parliament to interpose so far between the king and his eldest son, as to advise the father to make that settlement upon his eldest son, which he is bound to make by the maxims and the laws of his kingdom, common decency can never forbid or prevent the performance of that duty, nor can any humble and respectful address or petition from parliament, ever be called a prescribing to the King what provision he should make for any of his children; but if it should, the princes and princesses of the royal family are in some manner the children of the nation, as was in a late case most solemnly decided; they are all so much the children of the nation, that the nation is in honour bound to see them provided for in a manner suitable to their high birth; therefore the parliament has some sort of right to prescribe what may be deemed an honourable provision for every one of them; they are to give that provision, and surely they have a right to see what they give properly applied. But with respect to the eldest son, and heir apparent of the crown, it has been made so fully appear, and has been so generally admitted, that the nation has a concern in seeing him honourably provided for, that I am surprized to hear it so much as insinuated, that an Address for that purpose would be an intermeddling in the King's domestic affairs, or in those affairs which regard only his natural and paternal capacity: it is an affair which regards his Majesty's political and royal capacity as much as it does his natural and paternal capacity; and therefore the parliament has as good a right to offer their advice in that affair as they can have in any other.

I hope, Sir, I have now, to the satisfaction of every gentleman in the House, established his royal highness the Prince of Wales's right to a sufficient and independent settlement by the maxims of the kingdom, and, I hope, I have equally established the power the parliament has to interpose, at least by an address, in order to see that right made effectual, both from precedent and from the nature of the thing itself.——With respect to the right which his Royal Highness may have to such a settlement, either in law or equity, from the method in which the civil list is now established, and from the statutes by which that establishment was made, I hope no gentleman expects we are bound to make out the right in the same manner it would be, or ought to be made out, in any of the courts in Westminster-hall; and therefore I believe, I need not take any notice of that learning which has been made use of to prove that he has not such a right as would be recoverable in any of the courts below. It may be true, that he has no such right as would entitle him to sue and recover in any of the courts in Westminster-hall, and yet he may have a right both in law and equity, and such a right as the parliament are bound to see made effectual. The courts of common law, we know, are confined to very strict rules, it is necessary they should be so; but in parliament we are bound to follow justice and equity wherever we can find it, and to administer it impartially when we have found it: in so doing we show a proper regard to the honour and interest of the crown, as well as the liberties and properties of the subject; and while his Majesty's ministers are as loyal as his faithful Com-

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mons have always shewed themselves to be, the general equity of an act of parliament will be as sacred, as religiously observed, and as closely adhered to at St. James's as the words of it are in Westminster-hall.

But, Sir, notwithstanding the narrow limits our judges at common law have confined themselves to, notwithstanding their close adherence to the letter of the law, I can hardly believe they will give it as their opinion, that the prince of Wales has no right either in law or equity to a support out of the civil list revenue; because he has certainly as good a right to that share of the civil list revenue which was intended for him by parliament, as they have to the salaries they enjoy. Neither his right nor their right is founded upon the express words of any statute, they are both founded upon the meaning and intention of the legislature, at the time those statutes were passed, by which the civil list is established, and they must stand and fall together. I do not mean to say, that our learned judges would at any time be biassed in their opinion by their own interest, I am sure the present would not. No, Sir; they certainly think, and every man I believe, thinks, they have both a legal and an equitable right to the salaries they now enjoy, and as the prince of Wales's right stands upon the same foundation, they would certainly judge of it as they do of their own, and would consequently give it as their opinion, that it was a right founded both in law and equity.

Surely, Sir, neither the judges in Westminster-hall, nor any lawyer, nor any man in the kingdom, can say, the prince of Wales has no right to have a necessary support allowed him out of the civil list. The gentlemen of the other side of the question do not pretend to say any such thing; they have even told us, the eldest son of every landed gentleman in England ought to be supported out of his father's estate, and that that support ought to be according to the character and circumstances of the family; but, say they, he has no legal or equitable right to any particular share of his father's estate, or to any share but such as his father pleases to allow him, unless that right be established by some settlement agreed to by the father. Is not this, Sir, to tell us, the son has a right and no right? He has a right to be supported out of his father's estate, but he has no right to that support, unless his father pleases to allow it him. This method of arguing might, for what I know, be of some weight in Westminster-hall; but surely, it can be of no weight in this House. If a son has a right to be supported out of his father's estate according to the character and circumstances of the family, he certainly has both a legal and an equitable right to that particular share of his father's estate which bears a just proportion to, and is determined by the character and circumstances of the family; and if the father does not allow him that share, he certainly withholds his right from him. This right may perhaps not be recoverable in any of the courts of Westminster-hall; but there are many good and just rights which are not made recoverable in Westminster-hall, because the making them recoverable there, would occasion such a multitude of law-suits, as would be inconsistent with the general good of society. The right a man has to gratitude in return for benefits bestowed, is not recoverable by any action or suit at law, yet that right is as good and as equitable a right as any right a man can have. In the same manner the right the Prince has to a sufficient independent settlement out of the civil list revenue, is a good and an equitable right, and though it be not recoverable at law, yet it is such a right as may be regarded and ought to be enforced by parliament.

To make still a farther use of the rights of private men, in order to clear up the right now under our consideration; suppose, Sir, a country gentleman has a small estate, and a great number of children; suppose a neighbouring gentleman or relation, of a plentiful estate and bountiful disposition, takes notice of his neighbour's or his relation's difficulties, and in order to relieve him, and enable him to support his family, settles a large annuity upon him for life; and suppose that in the deed for establishing that annuity it is expressly mentioned, that the annuity was granted him in order to enable him to support and provide honourably for his family; I should be glad to know whether the eldest son of that country gentleman would have any right to be supported out of that annuity, and what sort of right he would have? I believe in that case, he would have not only a right established upon the general principles of equity, but such a right as would be recoverable in the court of chancery, especially if the grantor of the annuity joined with him in the complaint.

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And I am very certain, if the annuitant should waste his annuity, and neglect to provide sufficiently for his children, especially for his eldest son, the granter would have a right to complain, or at least to advise, or desire of him that he would apply the annuity to those uses for which he had granted it; and his giving such an advice would be absolutely necessary, if he intended that the annuitant's eldest son and apparent heir, should likewise be his heir and next successor to his estate. This is so apposite to the case now before us, that I need not make any application. It not only shows that the Prince has a right to a sufficient settlement out of the civil list revenue, but it shows that we have a right, that we are in duty bound to interpose, in order to see that right made effectual.

Thus, Sir, it appears the Prince has a right to be supported out of the civil list revenue by the general maxims of the kingdom, and also by the meaning and intention of those very statutes by which the present civil list was established; and if he has a right to any support, he has certainly a right to a sufficient support, to such a support as the high character of the royal family of Great Britain may require, and the present circumstances of the civil list revenue will admit of; therefore, if the settlement proposed, by the message now before us, to be made, be not sufficient, the message is so far from being an argument against, that it is one of the strongest arguments that can be thought of, for the motion; because it shews that without the interposition of parliament, his Royal Highness is not to have, nor can expect a sufficient settlement. That the settlement proposed to be made upon his Royal Highness by this message, is not sufficient, has been in some manner acknowledged by the honourable gentleman who delivered us the message; but farther, Sir, it has been expressly acknowledged by the King himself. By the regulation and settlement of the Prince's houshold, as made some time since by his Majesty himself, the yearly expence comes to 63,000*l.* without allowing one shilling to his Royal Highness for acts of charity and generosity. By the message now before us, it is proposed to settle upon him only 50,000*l.* a year, and yet from this sum we must deduct the land tax, which at two shillings in the pound amounts to 5,000*l.* a year, we must likewise deduct the sixpenny duty to the civil list lottery, which amounts to 1,250*l.* a year, and also we must deduct the fees payable at the exchequer, which will amount to about 750*l.* a year more; all which deductions amount to 7,000*l.* a year, and reduces the 50,000*l.* a year proposed to be settled upon him by the message, to 43,000*l.* a year: now as his Royal Highness has no other estate but the dutchy of Cornwall, which cannot be reckoned at the most above 9,000*l.* a year, his whole yearly revenue can amount but to 52,000*l.* a year; and yet the yearly expence of his houshold, according to his Majesty's own regulation, is to amount to 63,000*l.* a year, without allowing his Royal Highness one shilling for the indulgence of that generous and charitable disposition with which he is known to be endued, to a very eminent degree. Suppose then we allow him but 10,000*l.* a year for the indulgence of that laudable disposition, his whole yearly expence, by his Majesty's own acknowledgment, must then amount to 73,000*l.* a year, and his yearly income, according to this message, can amount to no more than 52,000*l.* a year. Is this, Sir, shewing any respect to his merit? Is this providing for his generosity? Is it not reducing him to a real want, even with respect to his necessities, and consequently to an unavoidable dependance, and a vile, a pecuniary dependance too, upon his father's ministers and servants? I confess, Sir, when I first heard this motion made, I was wavering a good deal in my opinion; but this message has confirmed me: I now see that without the interposition of parliament, his Royal Highness the prince of Wales, the Heir Apparent to our crown, must be reduced to the greatest straits, the most insufferable hardships.

After what I have said, Sir, I think I need not take up your time with shewing the yearly value of the settlements made upon former princes of Wales; the insufficiency of the settlement proposed for the present is so demonstrable from the calculations and accounts I have laid before you, that there is no occasion for having recourse to former precedents, for shewing that insufficiency; yet I cannot omit taking notice to you, that the revenue enjoyed by the late king James while duke of York, though but presumptive heir of the crown, amounted to 104,000*l.* a year; and the revenue enjoyed by the present King, while prince of Wales, amounted to upwards of 100,000*l.* a year; which I take notice of in order to shew you, that his Majesty did not propose any thing extraordinary or extravagant, when he regulated

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and settled the houshold for his present Royal Highness.

I come now, Sir, to the last question, and which I take to be, indeed, the only question in this debate, which is, whether it be possible for his Majesty to spare more than 50,000*l.* a year for his Royal Highness, from the civil list, as it now stands established? And this question I shall consider in two methods; first by shewing that the civil list, as now established, must amount to above 100,000*l.* a year more than was ever had or enjoyed by his late Majesty; and next, by supposing that it amounts to no more than was enjoyed by his late Majesty. In the first method, Sir, let us remember, it was acknowledged in parliament before the late gin act was passed, that the produce of the whole taxes, excises, and duties, appropriated to the civil list, amounted to 818,000*l.* a year: I believe it will be admitted that the 70,000*l.* a year granted by that act to the civil list, and made payable out of the aggregate, or rather out of the sinking-fund, does more than compensate the loss the civil list sustained by taking from it the duties on spirituous liquors, in which case the increase of the excise upon beer and ale, occasioned by the preventing the retail of spirituous liquors, must wholly be a nett profit to the civil list: the increase of the excise upon beer and ale, if I am rightly informed, amounted for the very first quarter, I mean from Michaelmas to Christmas last, to near 30,000*l.* one half of which goes to the civil list; so that we may reckon the civil list has got by the gin act, an addition of at least 60,000*l.* a year; besides what is got by the increase of the wine-licence duty, which every one knows has been greatly increased by prohibiting the retail of spirituous liquors. Then, Sir, let us recollect, that a little before his present Majesty's accession, the civil list was discharged of 36,200*l.* a year in pensions, which, during the greatest part of his late Majesty's reign, were paid out of the civil list, but ever since his Majesty's accession have been a burthen upon, and paid out of the public service. Let us add together these three sums of 818,000*l.* 60,000*l.* and 36,200*l.* and they amount to 914,200*l.* which, according to the highest probability, we must allow to be the yearly amount of the civil list revenue as now established, and which is 114,000*l.* a year, more than was enjoyed by his late Majesty, even including all the particular grants that were occasionally made to the civil list in his reign.

But, Sir, this is not all; his present Majesty has had one very extraordinary grant of 115,000*l.* made to the civil list; and the 80,000*l.* granted as a fortune to the princess royal, may properly be said to have been an extraordinary grant to the civil list; for though I am far from finding fault with that grant, yet as the civil list was granted in order to enable his Majesty to make an honourable provision for his whole royal family, that princess's marriage provision should have been paid out of the civil list; and since the public took it upon them, it ought to be looked on as a new and extraordinary grant made to the civil list. Then, Sir, I must not forget another yearly addition, which may be looked on as a very great sum, considering from whence it comes, I mean a sum of 40,000*l.* a year from Scotland, which is now a yearly addition to the civil list. I will not, indeed, take upon me to say, that the whole or any part of that sum is brought in specie to London: but if it is laid out for paying pensions in Scotland, which must be paid yearly out of the civil list revenue, I may take upon me to say, it prevents an equal sum from being sent yearly in specie from London. From all which considerations, I think it is evident, his present Majesty has above 100,000*l.* a year more than his late Majesty ever enjoyed, and therefore we must conclude he may easily spare 100,000*l.* a year for the use of his Royal Highness, without any great frugality or good management, and without contracting any part of that expence which was found necessary in the late reign. I am now, Sir, to make a supposition, which, I believe, no gentleman that hears me, will join with me in: I am to suppose that the civil list revenue, with all the additions and improvements lately made to it, does not produce one shilling more than his late Majesty enjoyed, including the several occasional grants that were made to him: in short, I am to suppose, it does not produce one shilling more than 800,000*l.* a year; and if upon this supposition I can shew, that with tolerable management, it may spare 100,000*l.* a year to the Prince, I am sure every gentleman will conclude, his Royal Highness ought to have at least that sum settled upon him; and the opposition that has been made to this motion, and the message we have received, will be additional arguments for having that sum settled upon him in the most independent manner. We may remember, Sir, or at least we may see by the

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journals, that when the 700,000*l.* a year was settled upon his late Majesty, the state of the King's household, and also the state of the Prince of Wales's household, and the whole articles of expence necessary for supporting the honour and dignity of the crown, or of the Heir Apparent, were very minutely and maturely examined into and considered, and upon that minute and strict examination it was found, that 600,000*l.* a year was sufficient for supporting the honour and dignity of the crown, and that 100,000*l.* a year was the least that was necessary for supporting the honour and dignity of the Heir Apparent. In the calculations made at that time, we are not to suppose, the Parliament restricted themselves to the nett sum which appeared to be necessary for supporting the King's houshold and civil government. We cannot suppose any such thing, because the nett sum found necessary for that purpose in the late queen's time, appears never to have exceeded 430,000*l.* a year; and in the first year of the late king, the whole expence of his houshold and civil government, amounted to but about 453,000*l.* so that if they had restricted themselves to the nett sum which appeared to be necessary for supporting the King's household and civil government, they could not have computed the sum necessary for that purpose at above 460,000*l.* a year; but they considered that something was to be allowed yearly for acts of generosity and charity, and something was likewise to be allowed yearly for what is called secret service money; for both which, it seems, they computed 140,000*l.* a year would be sufficient, and therefore reckoned that a gross sum of 600,000*l.* a year would be sufficient for supporting the honour and dignity of the crown, to which they added 100,000*l.* a year more for the support of the Prince of Wales.

The 140,000*l.* a year allowed for acts of generosity, and for secret service money, was then thought to be a very large and a very sufficient allowance; and from the experience of the former reign, from the experience of the reign of queen Anne, there was good reason to think it a very sufficient allowance; for in all that reign, besides what was allowed for secret service money to the generals of our armies, and most profitably, most gloriously for the nation bestowed by them, or at least by one of them, I mean our general in Flanders, there appeared to be but two sums given to any secret or unknown uses, and these were so small, so trifling, it would surprise one; for the one was a sum only of 1,200*l.* and the other of 500*l.* only; and even as to these, upon a particular and private enquiry, it appeared, the first had been issued for entertaining prince Eugene, when he did this nation the honour of a visit, and the other had been made a present of to one of the Queen's own relations. From hence, I say, the Parliament had good reason to think that 140,000*l.* a year was sufficient allowance to his late majesty, for acts of generosity, and for secret service; but I do not know for what reason, or by what fatality, the branch of the civil list expence called secret money, increased prodigiously in the late reign: It increased so prodigiously, Sir, that in four years, from the year 1721, to 1725, that branch of the civil list expence amounted to 2,728,000*l.* which was at a medium 682,000*l.* a year, as appeared by an account which happened by some chance or other to be laid before Parliament. By that account it appeared, that vast sums of money had been given for purposes which nobody understood, and to persons whom nobody knew, or ever heard of; for which reason in the beginning of the following session, the account having been laid before the House at the very latter end of the former session, several gentlemen had a mind to have it taken into consideration, but this enquiry was warded off, by telling them, the Parliament could not take into their consideration any account that had been presented to a former session.

It is to this only, Sir, we are to impute the necessity of making any new grants to the civil list in the late king's reign; for as to the visible expence of the king's household and civil government, it was no way increased, or at least not considerably increased, above what it was in the former reign, or in the first year of his own; and as the visible expence of his present Majesty's household and civil government is no way, or but very little, increased above what the expence of the late king's household and civil government amounted to, even supposing the present civil list revenue to amount to no more than 800,000*l.* a year, we must conclude that 100,000*l.* a year may easily be spared out of it, for the use of the Prince of Wales; for allowing 460,000*l.* a year to be now necessary for supporting the net charge of the king's household and civil government, which is 30,000*l.* a year more than it amounted to in the late queen's reign, and 7,000*l.* a year

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more than it amounted to in the first year of the late king's reign; allowing 50,000*l.* a year for the queen; allowing 50,000*l.* a year for prince William, the princesses, and for a proportionable additional allowance for bed and board, and other extraordinary expences in the several palaces; and allowing 100,000*l.* a year for the Prince of Wales; his Majesty has remaining 140,000*l.* a year to be employed in acts of generosity, and in secret service, which is as large a sum as the parliament thought necessary for that purpose in the beginning of the late reign, and is, in my opinion, a larger sum than can, in time of peace, be wisely or prudently employed in that way, especially considering his Majesty's numerous issue, and the great expences which do, and must necessarily attend an honourable provision for his whole royal family.

From the account I have given you, Sir, of the prodigious increase of secret service money in the late reign, we may more clearly see, than perhaps we could do before, what was the intention of that parliament which established the present civil list upon his Majesty, and what was then meant by the "experience of past times," and therefore I shall take the liberty to explain myself upon that head. The surprising account of the secret service money I have mentioned, was then fresh in every man's memory; it had been under their consideration but a year or two before; and the extraordinary amount of that account had been so much and so lately found fault with, that they would not certainly have agreed to settle upon his present Majesty as large a civil list as had been settled and given to the late king, but that they considered that his Majesty had a queen-consort and several younger children to provide for, and therefore could not allow his ministers to run into any such extraordinary expence with respect to secret service money, but would apply what might and ought to be saved upon that article, to the making an honourable provision for the queen-consort, and for his younger children. As his late majesty had in the whole but 700,000*l.* a year, as that revenue had enabled him not only to support the honour and dignity of the crown, but to employ a much larger sum in secret service money than had ever before been, or ever could for the future be necessary or safe in this kingdom, according to the opinion of many gentlemen in both Houses of Parliament, those gentlemen could not, from the experience of past times, conclude, that 700,000*l.* a year would be necessary for his present Majesty, if they had not considered, as I have said, that his present Majesty had a queen-consort and several younger children to provide for, and that whatever could be saved out of the sums needlessly, as they thought, expended in secret service money by his late Majesty, might be usefully employed by his present Majsty, in making an honourable provision for his royal family; therefore, and for this reason only, they agreed to the settling 700,000*l.* a year upon his present Majesty for supporting the honour and dignity of the crown, and providing for his royal family; and to this sum 100,000*l.* a year more was added, in order that he might settle upon the Prince of Wales, as soon as he came to England, the same revenue he had himself enjoyed in the life-time of his father.

From this state of the case, I think, we may evidently see, what the parliament then meant by the experience of past times, and what they intended with respect to the Prince of Wales; but, Sir, to put this matter in another, and yet a clearer light, I shall beg leave to divide the civil list revenue settled, and occasionally granted to his late majesty, into three parts; one part, amounting to 460,000*l.* a year, is that which was applied for the support of the king's household and civil government, and was a little larger than had ever before been found necessary for that purpose; the other part, amounting to 100,000*l.* a year, is that which was settled, and had, during the whole reign of the late king, and, indeed, I may say, ever since the beginning of the reign of king Charles 2, been deemed the least sum that was necessary for supporting the honour and dignity of the heir apparent to the crown; and the remaining third part, amounting to 240,000*l.* a year, is that which was allowed to his late majesty for acts of generosity and charity, and for secret service money, but had always been thought by most men without doors, and, I believe, by most within, to be too large a sum, and was really at least twice as large a sum as had ever been allowed for these purposes to any former king of this nation. Upon his present Majesty's accession it appeared, that he was subject to a charge which the late king was free from, I mean that of providing for his queen and younger children; yet he neither asked, nor did the parliament grant him any greater civil

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list revenue that the late king enjoyed. This additional charge which the present King was then subject to, was therefore certainly intended, both by king and parliament, to be thrown upon some one, or some two of the three parts into which I have divided the King's civil list revenue, or upon the three jointly; and considering the circumstances of these three parts, which were then exactly as I have represented them to you, I must refer to every gentleman that hears me, whether it is not most probable, that both King and Parliament intended to throw this additional charge either solely upon the third part, or upon the first and third jointly? Is there not all the reason in the world to presume, that both King and Parliament then intended that the second part should be entirely free from this additional charge; And is not this still the more probable, on account of the Prince of Wales's being then actually come to man's estate, and the whole nation in daily hopes of seeing him married and soon blessed with children?

Sir, if there were not a man alive who was then in parliament, I should, from this state of the case, be convinced, the parliament then intended the Prince should have his 100,000*l.* a year without one shilling abatement; but I had then the honour to be a member of parliament myself, I know what was my own intention, I know what was the intention of many others, I know we all intended and expected the 100,000*l.* a year should have been settled on the Prince of Wales as soon as he came to England: and I very well remember, the honourable gentleman who made the motion for settling the present civil list revenue, made use of it as an argument for his motion, that the Prince of Wales was then near of age, and that it would be very soon necessary to settle the same revenue upon him, that had been settled upon his father, whilst Prince of Wales. This, Sir, I say, I very well remember, and I remember too, that it seemed to be the reason which had most weight with the House, and which, I believe, chiefly procured his motion almost an unanimous approbation. Gentlemen may talk what they please about gathering the intention of an act of parliament from the words only: this may be the rule in Westminster-Hall, but it is impossible it can be the rule in either House of Parliament, especially when there are so many members now in each House who had a share in the passing of that law. They must gather the intention of the act from the intention they themselves had at the time of its passing, and their testimony ought to have some weight with those who had not the honour of being members of either House at the time the law was passed.

It certainly was the intention of parliament, Sir, I hope it still is the intention of parliament, that his Royal Highness should have at least 100,000*l.* a year out of the civil list; and since it is now made manifest by the message delivered to us in this debate, that he is like to be disappointed of one half of what was, and, I hope, still is, intended for him by parliament, it is become absolutely necessary for us to address his Majesty, in order to know from him the reason of that disappointment. If the civil list revenue produces above 900,000*l.* a year, as I believe it does, it may certainly spare 100,000*l.* a year to the Prince of Wales; if it produces but 800,000*l.* a year nett, which no man believes, yet even in that case, it may spare 100,000*l.* a year to the Prince of Wales, according to the best judgment we can form from the experience of any former reign: but suppose it true, that by reason of some new and extraordinary articles of expence, the civil list revenue cannot spare above 50,000*l.* a year to the Prince of Wales, we ought to have that answer from the King himself, and in a proper and direct manner, which we can have no other way but by means of the address proposed. If such an answer should be returned to us, I am sure it will then be our duty to enquire into the produce, and into the disposal of the civil list revenue, especially that part of it which is pretended to be laid out in secret services. The civil list revenue was never so high as in this reign: it is a most dangerous revenue, especially when a very considerable part of it may be applied, no man knows how: it is a sharp instrument in the hands of a minister, which may some time or other be employed in cutting the throat of our constitution. During his present Majesty's reign, we cannot apprehend that any part of it will be converted to a bad use; but I hope I shall never see such a revenue granted in any future reign, nor granted in such a manner. Money generally carries persuasion along with it; therefore it is most justly to be apprehended, that some future guilty minister, provided with such a large fund of persuasion, and that

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persuasion supported by an armed force, may be enabled to do whatever he pleases with our constitution; and as either he or our constitution must be sacrificed, we may easily judge which will bleed at the altar.

As his Majesty's message to the Prince was in writing, and is now communicated to us by his Majesty's command, it may be made use of, and is certainly a very strong argument in favour of the motion; but, Sir, I am surprised to hear the Prince's supposed answer made use of in this House as an argument against the motion; because the Prince's answer neither was in writing, nor was desired to be given in writing; and as I took it down in writing soon after his Royal Highness delivered it, I must beg leave to say, it was not exactly in the terms the noble lords who brought the message seem to have reported; therefore I wish they had given his Royal Highness previous notice of the message, and desired that he might prepare to give them an answer in writing, which would have prevented any surprise of the one side, or any mistake of the other; for I am convinced the noble lords did not designedly make any mistake in their report. Although I took down his Royal Highness's answer in writing, yet, Sir, I shall not pretend to communicate it to this House, since I have no authority from him for that purpose; but thus much I may observe, that if his Royal Highness said he was sorry for any thing, it was, that he was sorry any gentleman of either House of Parliament should have occasion to give himself any trouble about that settlement which ought to be made upon him; and this I believe the greatest part of the nation are sorry for as well as his Royal Highness: I am sure every man who has a true regard for either his father or him, or any of their illustrious family, must be sorry for it. However, Sir, suppose his answer was in the words reported, it is so full of filial duty and respect, that it is a new argument for the address proposed; because the great respect which his Royal Highness there shews for the King his father, may very probably prevail upon him to submit to very great difficulties, rather than take the liberty of troubling his father with any new, though most necessary demand; which is a strong argument for the necessity of his having a sufficient independent settlement, and for the parliament's interposing in his behalf.

So unlucky, Sir, are the gentlemen of the other side of the question, that nothing has happened, almost nothing has been said during the debate, but what tends to fortify the argument against them. This, I am sure, may most justly be said of the melancholy account they have given us of that unlucky dispute which happened between the present King, when Prince of Wales, and the late King his father. I shall most readily agree, that that dispute was owing neither to any want of paternal affection in the late King, nor to any want of filial duty in the present, but to the pride and vanity of some mean and low sycophants and tale-bearers. Now, Sir, I would be glad to know from those gentlemen, what sort of situation they think the present King, who was then Heir Apparent to the crown, would have been reduced to, if he had had no independent settlement of his own, or not a sufficient independent settlement? The account they have given us of his situation is melancholy enough; but if he had not been provided with a sufficient independent settlement, would not the account of his situation have been a great deal more dismal? Would not he have been obliged either to submit to, and become the slave of those very mean and low sycophants, or to subsist by the generosity and beneficence of his friends? And we know, Sir, how hard it is to meet either with generosity or beneficence, when people are sensible that their generosity or beneficence will be imputed to them as a crime against the state. Can any thing be said, Sir, can any thing be thought of, that can justify our agreeing to the motion, more than this very accident? For if ever any such unlucky accident should happen (which God forbid) it may happen when his Royal Highness is blessed with as many children as the King his father was, when that accident happened to him; and we are not certain that the court would, in such a case, behave in the same manner towards his children.

I am surprised, Sir, to hear a motion for an humble Address, called a stating ourselves as the higher power, and bringing the Prince of Wales and his Majesty as plaintiff and defendant before us. Can advice be called a decree, or is the common stile of an Address the stile of a superior power? But I am still more surprised to hear it said, our agreeing to the question would be a determining that his Majesty has done injustice to his eldest son. Does not every one know that our kings can do no wrong, that they can do

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no injustice? If any wrong is done, we must always necessarily suppose it done by the ministers; and if any of them has told the King that 50,000*l.* a year is sufficient for supporting the Prince of Wales, or has led his Majesty into such an expence that he cannot spare more out of the civil list, I will say they have done injustice, and the nation will, the nation ought to suppose they are no longer fit, nor ought to continue to rule over us; so that whatever foreigners may think, no man who understands our constitution, can expect or suppose our agreeing to this motion will be attended with any such misfortune as has been represented.

Our agreeing to this question, Sir, can be attended with no misfortunes to any branch of the royal family, nor can it be the occasion of any quarrel or breach between the King and the Prince: Indeed it may be the occasion of his Majesty's quarrelling with those who have told him that 50,000*l.* a year is enough for his eldest son; because it is to be presumed, his Majesty will give more credit to his parliament than to any counsellor he has about him; and consequently will dismiss them from his councils, for telling him what he finds by the Address of his parliament to be a notorious falshood; Or it may be the occasion of his Majesty's quarrelling with those who have led him into such an expence, as not to be able to spare above 50,000*l.* a year to the Prince of Wales; because such an Address from parliament would certainly procure a contracting of that expence for the future, or would produce an enquiry into the late management of the civil-list revenue, by either of which his Majesty would find, they had led him into a needless expence, the certain consequence of which would be, his turning them out of his service. Our agreeing therefore to the motion can never produce any breach between the royal father and the royal son; but if we should disagree to the motion, it will afford an opportunity for evil counsellors to confirm his Majesty in that error they have already endeavoured to lead him into; and as one wicked step generally begets a second, worse than the first, they may very probably represent this motion in parliament as procured by his Royal Highness, in order to distress his Majesty's measures, and to procure himself a much larger settlement than he has any occasion for. This second step we have some reason to dread, Sir, even from the words of the message now before us; and therefore we have great reason to dread that our disagreeing to the motion may produce, or at least be the distant cause of a perpetual breach between the father and son; but in that case it cannot be said, that those who have endeavoured to do justice to the son were the cause of the breach; we must look for the cause in the opposite corner; and, I hope, if there should ever be any necessity for an amputation, it will fall upon those who most justly deserve it.

We have heard a great deal, Sir, of the ill effects our agreeing to this motion may have on the people without doors. These apprehensions, Sir, I have shewed to be without any foundation, at least with respect to his Majesty himself, or any of his illustrious family; but let us consider the ill effects our not agreeing to this motion may have upon people without doors, with respect to the opinion they may from thence form of the heir apparent to our crown, or of the justice and equity of parliament. What will people think, what will they say of the Prince of Wales, when they hear that his settlement is reduced to one half of what has, for these many years last past, been thought necessary for supporting the honour and dignity of the heir apparent, or presumptive to the crown of Great Britain; and that at a time when every other provision for the rest of the royal family has been vastly encreased? The civil list is now near double what it formerly was: The dowry settled upon her present Majesty, and most deservedly settled, is double what was ever settled upon any former queen. The marriage-provision granted by parliament to the princess royal, is double what was ever given to any princess royal of England; for king Charles 1's daughter had but half the sum, and even that, I believe, was never paid; and king James 2's daughter, whom king Charles 2 looked on as his own, had but 40,000*l.* when married to the prince of Orange, afterwards our glorious deliverer; nor was that sum fully paid, I believe, till he came to be our king; when, I do not know but he might have interest enough to see himself paid. If we should disagree to this motion, will not the people have reason to conclude, that we have no great opinion of the merit of the present Prince of Wales? Will they not from thence imagine he is not worthy of succeeding to the throne? They would certainly imagine so, Sir, if it were possible; but, thank God, his merit is publicly and generally

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known: Every one knows that no part of any settlement made upon him will be hoarded up to the detriment of public circulation, nor the least part of it converted to any wicked or ridiculous use: No, Sir; whatever he may have more than necessary for supporting the dignity of the apparent heir to our crown, will, we are sure, be wholly employed in acts of true charity and public utility. So far as the Prince can spare it, the wants of every deserving man will be supplied, the unfortunate will be relieved, and whoever excels in virtue and true merit will be forwarded. As this is the case with respect to his Royal Highness, what opinion can the people without doors form of the proceedings within? Will they not be apt to say, our proceedings are directed, not by justice, but by some selfish and sordid consideration?

Thus, Sir, I have given you my opinion fully and freely in this affair. I know the danger I am in by appearing in favour of this motion. I may perhaps have a message sent me, I may lose the command I have in the army, as other gentlemen have done for the same reason, before me; but I should think myself a pitiful officer, if I were directed in my voting or behaviour in this House, either by the fears of losing the commision I have, or the hopes of obtaining a better; and if any minister whatever should send to threaten me with the loss of my commission, in case I did not vote in parliament as he directed, I should receive the message with a suitable indignation, and would be very apt to treat the messenger in such a manner, as I do not think decent here to express. While I have the honour to sit in this House, I shall upon all occasions endeavour to judge impartially, and shall always vote with freedom, according as my honour and conscience direct; and as I am convinced his Royal Highness has a right, and ought to have a sufficient independent settlement; as I am convinced 50,000*l.* a year is not a sufficient provision for the heir apparent to the crown of Great Britain; as I am convinced, the civil list, if rightly managed, may easily spare 100,000*l.* a year for his royal highness; as I am convinced this is the sum which was intended for him by that parliament which established the present civil list revenue; and as I am convinced his Majesty has been misinformed, or ill advised, otherwise this sum would have been settled upon him long before this time; therefore, as a member of this House, as a loyal subject to his Majesty, and a sincere friend to his family, I think myself obliged in duty, in honour, in conscience, and in spite of every sordid temptation to the contrary, to endeavour as much as I can to give to my sovereign a right advice, and a true information.

The question being put, the division was, Noes 234; Yeas 204, so that it was carried against the motion by a majority of 30.

The Speakers in the House of Commons for the motion were, Mr. Pulteney, sir John Barnard, Mr. Hedges, lord Baltimore, Mr. Waller, sir William Windham, Mr. Herbert, Mr. Pitt, Mr. Gibbon, Mr. Lytleton, Mr. Greenville, Mr. Bootle, sir Wilfred Lawson, sir John Rushout, Mr. Henry Bathurst, Mr. Noel, sir Thomas Sanderson, and Mr. Frederick. The Speakers against the motion were sir Robert Walpole, sir Joseph Jekyll, Mr. Henry Pelham, Mr. Solicitor General, sir William Yonge and Mr. Danvers.

Protest on rejecting the Motion for settling 100,000*l. per annum, on the Prince of Wales.*] Feb. 23. A motion was made by lord Carteret, for the settling 100,000*l.* per annum out of the Civil List, on the Prince of Wales, which gave rise to a warm debate. The division upon the question was, Not Contents 79, Proxies 24,—103; Contents 28, Proxies 12,—40; majority 63.

The duke of Newcastle, by his Majesty's command, made the like signification to the House of the Message sent by his Majesty in writing to the Prince of Wales, and of the report of his royal highness's verbal answer, as is given at p. 1407. And the same being read by the Lord Chancellor, after long debate upon the motion for an Address, the question was put, Whether such Address shall be presented to his Majesty? It was resolved in the negative.—On which occasion the following Protest was entered:

"Dissentient.

1. "Because that this House has an undoubted right to offer, in an humble Address to his Majesty, their sense upon all subjects, in which this House shall conceive that the honour and interest of the nation are concerned.

2. "Because the honour and interest of the nation, crown and royal family, can be concerned in nothing more, than in having a due and independent provision made for the first-born son, and heir apparent to the crown.

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3. "Because, in the late king's reign, 100,000*l.* a year, clear of all deductions whatsoever, was settled upon his present Majesty when Prince of Wales, out of a Civil List not exceeding 700,000*l.* a year.

4. "Because his present Majesty had granted him by parliament several funds to compose a Civil List of 800,000*l.* a year, which we have very good reason to believe bring in at least 900,000*l.* and are more likely to encrease than to diminish.

5. "Because out of this extraordinary and growing civil list, we humbly conceive his Majesty may be able to make an honourable provision for the rest of his royal family, without any necessity of lessening that revenue which, in his own case, when he was Prince of Wales, the wisdom of parliament adjudged to be a proper maintenance for the first-born son, and heir apparent of the crown.

6. "Because it is the undoubted right of parliament to explain the intention of their own acts, and to offer their advice in pursuance thereof. And though, in the inferior courts of Westminster-hall, the judges can only consider an act of parliament according to the letter and express words of the act, the parliament itself may proceed in a higher way, by declaring what was their sense in passing it, and on what grounds, especially in a matter recent, and within the memory of many in the House, as well as out of it.

7. "Because there were many obvious and good reasons, why the sum of 100,000*l.* per annum for the Prince, was not specified in the act passed at that time, particularly his being a minor, and unmarried. But we do apprehend, that it is obvious that the parliament would not have granted to his Majesty so great a revenue above that of the late King, but with an intention that 100,000*l.* a year should at a proper time be settled on the Prince in the same manner as it was enjoyed by his royal father when he was Prince of Wales: and his Royal Highness being now thirty years old, and most happily married, we apprehend it can no longer be delayed, without prejudice to the honour of the family, the right of the Prince of Wales, and intention of the parliament. And as in many cases the crown is known to stand as trustee for the public, upon grants in parliament; so we humbly conceive, that in this case, according to the intention of parliament, the crown stands as trustee for the Prince, for the aforesaid sum.

8. "Because we do conceive, that the present princess of Wales ought to have the like jointure that her present Majesty had when she was Princess of Wales, and that it would be for the honour of the crown, that no distinction whatsoever should be made between persons of equal rank and dignity.

9. "Because we apprehend, that it has always been the policy of this country, and care of parliament, that a suitable provision, independent of the crown, should be made for the heir apparent, that by shewing him early the ease and dignity of independence he may learn by his own experience, how a great and free people should be governed. And as we are convinced in our consciences, that if this question had been passed in the affirmative, it would have prevented all future uneasiness that may unhappily arise upon this subject, by removing the cause of such uneasiness, and giving his Royal Highness that we apprehend to be his right; we make use of the privileges inherent in members of this House to clear ourselves to all posterity, from being concerned in laying it aside.

10. "Lastly, we thought it more incumbent upon us to insist upon this motion, for the sake of this royal family, under which alone we are fully convinced we can live free, and under this royal family we are fully determined we will live free.

——*(Signed,)* Winchelsea and Nottingham, Berkshire, Cobham, Chesterfield, Cardigan, Marlborough, Carteret, Bridgwater, Bedford, Weymouth, Bathurst, Coventry, Ker, Suffolk."

There happened likewise a Debate in relation to form, occasioned by the former debate, which being something curious, we shall give a short account of it.

The duke of Newcastle, who was the first that spoke in that House against the motion, concluded his speech with acquainting their lordships, that he had a Message from his Majesty to communicate to them; and after reading in his place, the same message which had before been communicated to the House of Commons, he delivered it to the House, and the earl of Strafford moved it might be read a second time by the noble lord on the Wool-sack; whereupon the lord Carteret stood up and said, That, by the constant form and method of proceeding, it had always been deemed inconsistent with the honour and dignity of that House, to have any papers or writings read a second time by the noble lord on the wool-sack, except Speeches or Mes-

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sages made or sent by his Majesty in writing directly to that House: that as for all other writings, or papers, delivered or communicated at any time to that House, if they were to be read a second time, the constant custom had been, to have them read a second time by the clerk at the table. That he was not against having that Paper read a second time, which the noble duke had, by his Majesty's command, communicated to them; but as it was no message in writing from his Majesty directly to that House, but only an account of a message his Majesty had been pleased to send to his royal highness the Prince of Wales, and of the Answer his Royal Highness had returned to that Message, therefore he thought it ought to be read a second time, not by the noble lord on the wool-sack, but by the clerk at the table.

To which it was answered by the lord Delawar, the earl of Cholmondeley, and the earl of Ilay, in substance, That as the Paper communicated to them was of the utmost importance, and so very long, that no lord of that House could judge rightly about it, upon hearing it only once read, it would be absolutely necessary to have it read a second time. That if any foreign potentate should send a Letter or Memorial to his Majesty, and he should think fit to communicate the same to that House, every one of their lordships had a privilege to desire it might be read a second time, before the House could enter into any consideration relating to it; and as the Message then delivered to them in writing, was of as great importance as any such Letter or Memorial could well be, therefore it ought to be read a second time, before they proceeded to take it into their consideration, especially, as the second reading had been moved for by one of their lordships. That the noble duke had told them, he had express orders from his Majesty to communicate it to them, therefore it ought to be considered as a direct Message from his Majesty to that House, and consequently, as it was in writing, it ought to be read a second time, and that second reading ought to be by the noble lord on the woolsack, and not by the clerk at the table.

To which it was replied by the lord Bathurst, That the question was not, whether or no the Message should be read a second time, but whether it should be read a second time by the lord on the woolsack, or by the clerk at the table? As to which, he would desire no other argument, for convincing him that it ought to be read a second time by the clerk at the table, than that which had been mentioned by the noble lords who seemed to be of a different opinion; for if his Majesty should receive a letter, memorial, or other writing, from any potentate in Europe, and should think fit to communicate it to the House, surely the lord, who in that case might be honoured with his Majesty's commands, would tell the House he had express orders from his Majesty to communicate such a letter, memorial or writing, to the House; and yet in that case, such a letter, memorial, or writing, would not be read a second time by the lord on the woolsack, it would be contrary to precedent, and inconsistent with the dignity of the House to do so; it would be read a second time only by the clerk at the table, and then reported to the House by the lord on the woolsack: that this had been their constant custom in all such cases; and the reason was plain, because in such cases there is no message in writing sent by his Majesty directly to the House; the only direct message from his Majesty to the House, is a verbal message, and that verbal message is delivered by the noble lord, when he tells them he has orders from his Majesty to communicate such a writing or paper to them: that if his Majesty should order a long treaty or negotiation between him and a foreign prince to be communicated to the House, there would be the same reason for having it read a second time by the lord on the woolsack, as there was, or could be pretended, for having his Majesty's Message to the Prince, and the Prince's Answer, read a second time by the lord on the woolsack; and as no such thing had ever been done in the former case, therefore he thought it ought not to be done in the latter.

This is the substance of what was said upon this head; but the question was not fully debated; for as many seemed to be impatient to have the Message read a second time, the lords who were for having it read only by the clerk at the table, submitted without a division, and it was read a second time by the noble lord on the woolsack; after which they proceeded in the debate upon the chief motion; and at the end of that debate, the earl of Strafford, who was the last that spoke, said, That, although he was, in his opinion, against the motion, and therefore obliged to differ from those with whom he had generally agreed, and would again agree, he believed,

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in all matters where the constitution or liberties of his country were concerned, neither of which, he thought had any concern in the question then before them, yet, he thought it would be better, and more decent, to wave putting any question upon the motion; for which reason, if any of their lordships appeared to be of his opinion, he would move, to adjourn till next morning; but as no lord seemed inclined to second this motion, his lordship waved making it; and the question being put upon the principal motion, it was carried in the negative, as above related.

The Speakers in the House of Lords for the motion were lord Carteret, lord Gower, duke of Bedford, duke of Marlborough, earl of Chesterfield, lord Bathurst, earl of Westmorland. Against the motion, duke of Newcastle, lord vis. Harrington, earl of Finlater, earl of Ilay, earl of Scarborough, lord Chancellor, earl of Strafford.

END OF VOL. IX.

Printed by T. C. Hansard, Peterborough-Court, Fleet-Street, London.

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